

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KRISTY PFLUG,

Plaintiff,

- against -

THE COUNTY OF SUFFOLK,

Defendant.

-----x

Video Conference

April 18, 2023
10:17 a.m.

EXAMINATION BEFORE TRIAL VIA ZOOM of KRISTY PFLUG, Plaintiff, taken by Defendant, pursuant to Article 31 of the Civil Practice Law and Rules of Testimony, and Order, held at the above-noted time and place, before Abby Lynn Kalberer, a Stenotype Reporter and Notary Public within and for the State of New York.

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A P P E A R A N C E S:

THE LAW OFFICES OF YALE POLLACK, P.C.

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BY: YALE POLLACK, ESQ.

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100 Veterans Memorial Highway

Hauppauge, New York 11788

BY: HOPE GABOR, ESQ.

ASSISTANT COUNTY ATTORNEY

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED by and
between the attorneys for the respective parties
herein, that the sealing, filing and certification
of the within deposition be waived;

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IT IS FURTHER STIPULATED AND AGREED that all
objections, except as to form, are reserved to the
time of trial;

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IT IS FURTHER STIPULATED AND AGREED that the
transcript of this deposition may be signed before
any Notary Public, with the same force and effect as
if signed before a clerk or Judge of the Court;

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IT IS FURTHER STIPULATED AND AGREED that all
rights provided to all parties by the F.R.C.P.
cannot be deemed waived, and the appropriate
sections of the F.R.C.P. shall be controlling with
respect thereto.

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P R O C E E D I N G S

THE REPORTER: The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.

They further acknowledge that, in lieu of an oath administered in person, I will administer the oath remotely, pursuant to Executive Order Number 202.7 issued by Governor Cuomo on March 19, 2020.

The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement on the record.

MS. GABOR: Agreed.

MR. POLLACK: Agreed.

THE REPORTER: Please state your name for the record.

THE WITNESS: Kristy Pflug.

THE REPORTER: Please state your

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address for the record.

3

THE WITNESS: 109 Woodlot Road, Ridge,

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New York 11961.

5

K R I S T Y P F L U G,

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having first been duly sworn by the Notary

7

Public, was examined and testified as follows:

8

EXAMINATION BY

9

MS. GABOR:

10

Q Good morning, Ms. Pflug. My name is Hope

11

Gabor. I'm an Assistant County Attorney with the

12

County of Suffolk, and I represent the County of

13

Suffolk regarding a lawsuit which you brought

14

against the County. Your first amended complaint

15

was dated March 10, 2021.

16

Have you ever been deposed before?

17

A No.

18

Q Do you understand that you are under oath?

19

A Yes.

20

Q I will be asking you a series of questions

21

concerning the lawsuit that you brought. If you

22

don't understand anything that I am asking you,

23

please just let me know, and I will try to rephrase

24

it as best I can. You need to answer all of your

25

questions verbally, so the court reporter can take

1 Kristy Pflug

2 down whatever answer you are going to give. So you
3 can't shake your head, no nods, or anything like
4 that.

5 A Okay.

6 Q How did you prepare for this deposition
7 today?

8 A I just looked over documentation that I
9 had.

10 Q What did you look over?

11 A Just my doctors' notes, and answers that I
12 wrote to the inter -- I can never say that word,
13 interrogatories.

14 Q Interrogatories.

15 Which doctors' notes did you review?

16 A I have Dr. Erika Jurasits, Dr. McWilliams,
17 Dr. Katherine Wightman, just those three. And there
18 is also another one, Christine, one of my midwives
19 from awhile ago. That is the only ones I see that I
20 remember.

21 Q And you said there was somebody else, but
22 you don't recall the name, a midwife?

23 A Yeah. That was from April 27th of 2011.
24 That was just, I think, saying, I went into labor on
25 this day and I delivered on this day.

1 Kristy Pflug

2 Q And then you also reviewed your
3 interrogatories?

4 A Right.

5 Q Did you review the final product, the
6 typed final product of your interrogatories?

7 MR. POLLACK: Objection.

8 A That I believe so. I don't know where it
9 is anymore. I looked at my old summary.

10 Q So you looked at a summary for your
11 interrogatories, but not your actual
12 interrogatories?

13 A Yeah. I don't know where that is, I think
14 it's somewhere in my husband's computer and I'm not
15 really familiar with the computer.

16 Q Did you review any other documents?

17 A Just the unemployment case that I had and
18 the EEOC documentation.

19 Q Paperwork that you filed with the EEOC?

20 A Yeah, or through my other lawyer before
21 Yale. Steven Moser filed it, I think. I don't know
22 if the union did it. It was so long ago. I don't
23 know who filed it.

24 Q Okay. Anything else?

25 A No.

1 Kristy Pflug

2 Q Did you speak with your attorney?

3 A Yes.

4 Q How long did you speak with Mr. Pollack?

5 A Not very long.

6 Q Ten minutes --

7 A Twenty minutes, 25 minutes.

8 Q Was that in person or on the phone?

9 A On the phone.

10 Q Did you review your complaint?

11 A Yeah, that was in, I think, everything.

12 Q The amended complaint?

13 A Yes.

14 Q Forgive me for asking this, are you on any
15 medication or drugs which would impair your ability
16 to testify truthfully today?

17 A No.

18 Q And have you had any alcohol within the
19 last 24 hours?

20 A No.

21 Q Okay. You can take a break at anytime,
22 you can take as many breaks as you like, the caveat
23 being that you just have to answer the pending
24 question before a break can be taken, do you
25 understand?

1 Kristy Pflug

2 A Sure.

3 Q So your full name is Kristy Pflug?

4 A Kristy Ann Pflug.

5 Q Have you ever been known by any other
6 name?

7 A Yes, Kristy Ann Frascinella was my maiden
8 name.

9 Do you want me to spell that?

10 Q Yes, you can.

11 A It is, F-R-A-S-C-I-N-E-L-L-A.

12 Q Thank you.

13 When did you become Kristy Pflug?

14 A I got married November 2nd of 2007, but I
15 think it took me awhile to change my name over. I
16 don't remember how long, it might have been a year
17 to formally change it.

18 Q What is your spouse's name?

19 A Eric, E-R-I-C, Pflug.

20 Q What is his occupation?

21 A He is a teacher.

22 Q Where does he teach?

23 A Southampton High School.

24 Q What does he teach?

25 A He teaches technology.

1 Kristy Pflug

2 Q Do you have any children?

3 A Well, obviously have one, which is
4 Annabelle, which keeps popping up.

5 Q You have one child named Annabelle?

6 A Yes.

7 Q How old is she now?

8 A She just turned 12.

9 Q What grade is she in?

10 A Sixth.

11 Q How long have you lived at your current
12 address?

13 A We were just here 17 years, wait, let me
14 think. We moved in 2009, yeah, 17.

15 Q Are you currently employed?

16 A No.

17 Q What was the last position that you held?

18 A I was a call center representative for
19 Spectrum Vision Partners. It was like an eye
20 doctor, conglomerate.

21 Q When did you get that job?

22 A I had it June of not last year, the year
23 before, June of --

24 Q 2021?

25 A June of 2021.

1 Kristy Pflug

2 Q When did you leave that job?

3 A Just last month.

4 Q So March of 2022?

5 A March of '23, this past month.

6 Q Why did you leave that job?

7 A There was staffing shortages to the point
8 where it was getting a little overwhelming.

9 Q So you voluntarily left?

10 A Yes.

11 Q Are you collecting unemployment?

12 A No.

13 Q Were you employed prior to the job at
14 Spectrum Vision Partners?

15 A Yes. I worked as a school attendant's aid
16 for six months and then --

17 Q Where was that? Sorry, I am going to go
18 through your employment.

19 A That was at Sayville Elementary School. I
20 don't remember the specific name of the elementary
21 school.

22 Q And what dates?

23 A I am trying to think back. I think it was
24 the same year that I started Spectrum Vision
25 Partners. I think it was September to January of

1 Kristy Pflug

2 that year.

3 Q So was it September of 2020 to
4 January 2021?

5 A Yes, I believe so.

6 Q Why did you leave that job?

7 A I got really sick, and it was during the
8 whole COVID thing, and I wound up finding out that I
9 had mold in my bedroom that made me sick for weeks.
10 And it took me awhile to find it, and then once I
11 cleaned that up, I was able to -- I was fine, but
12 because of COVID and trying to get tested and then
13 they told me it was probably COVID because I didn't
14 know about the mold, it went on for weeks, and I was
15 finally forced to resign.

16 Q Did you collect unemployment?

17 A No.

18 Q Did you have a position prior to that?

19 A I worked as a teacher's aid for a year and
20 a half, so I would have started at Longwood,
21 Longwood School District.

22 Q Okay.

23 A That must have been -- we were in 2020, it
24 had to be maybe August. Maybe 2019, sorry. It was
25 awhile ago. And it was like a year and a half that

1 Kristy Pflug

2 I worked there.

3 Q So August 2019 to --

4 A Or is that overlapping, is it 2018 maybe?
5 I didn't get all my past employment history, so I
6 don't have it handy right now.

7 Q That is fine. If you can't remember, if I
8 leave a space in the transcript, you would be able
9 to fill that in for me?

10 A Yes.

11 (INSERT)

12 Q And what did your job there encompass,
13 what did you do?

14 A So I was a teacher's aid, so I worked with
15 the kids who had 504's which is like learning
16 disabilities. And I did that for a year and a half,
17 but that became a little too much also with
18 behavioral issues from the children.

19 Q Did you resign from that position?

20 A Yes.

21 Q And what about prior to that?

22 A I don't think there was anything prior to
23 that between the County. And I think that was the
24 first job after the County.

25 Q What year did you leave the County?

1 Kristy Pflug

2 A I left July 4th of 2013.

3 Q So between July 4, 2013 and August of
4 either 2018 or '19.

5 A Right. I wasn't working.

6 Q You were not employed?

7 A No.

8 Q Were you looking for a job at that point?

9 A At that point, I was focusing on my
10 daughter because she was still young.

11 Q Okay.

12 A And we didn't have anyone to watch her,
13 and we realized that it wasn't really worth it for
14 me to try to find and start over at a new job while
15 we had her, and I needed someone to watch her, so we
16 kind of outweighed the benefits of me staying home
17 for awhile. But then money got tight, so I started
18 working when she was old enough to go to school.

19 Q Okay. Are you currently looking for a
20 job?

21 A I am not right now.

22 Q What is your educational background?

23 A I have a bachelor's degree in -- bachelor
24 of arts and my major was political science.

25 Q Where did you graduate from?

1 Kristy Pflug

2 A Stony Brook University.

3 Q What year?

4 A May of, I want to say 2001.

5 Q So getting to your job at Suffolk County.

6 Can you tell me when you started working
7 for the County?

8 A It was December of, I want to say, 2002.

9 Q What position were you hired for?

10 A Public Safety Dispatcher 1.

11 Q And what department is that with?

12 A The Suffolk County Police Department.

13 Q Can you describe what a Public Safety
14 Dispatcher 1 does?

15 A Okay. So when you call 911, you talk to
16 the emergency complaint operator, and they take your
17 call and they take your information, and then they
18 send it through the computer to us. The dispatcher,
19 who actually receives the calls, reads the calls and
20 dispatches the calls to the police cars, the sector
21 cars, and we coordinate all efforts of that
22 precinct.

23 Q When you first started working there, did
24 you have a particular shift?

25 A I was on -- when I was training in my

1 Kristy Pflug

2 first I think year -- I think it was more than that,
3 I was on the two tours, which is 8 to 4 and 4 to 12.

4 Q That is 8 a.m.?

5 A Sorry, 8 a.m. to 4 p.m., and then 4 p.m.
6 to 12 a.m. They rotate every week. One week it is
7 8 to 4, you have two days off, and then the next
8 week it is 4 to 12, and then you have three days
9 off. It's a rotating shift.

10 Q Was there any mandated overtime that you
11 had worked when you first started working there?

12 A Yes. There were snowstorms, there were
13 thunderstorms, windstorms, mostly storms. Anything
14 that got really big. We had the blackout, the big
15 blackout that happened. Mostly like emergency
16 situations.

17 Q And how did they mandate the overtime
18 work?

19 A So we would -- well, if it was like a
20 storm, we would find out usually like sometime
21 during the shift that they were looking for people
22 to stay, and then if they didn't have people to
23 stay, then you were mandated or if they needed extra
24 people because it was -- you know, it went crazy,
25 and they needed extra dispatchers to give out breaks

1 Kristy Pflug

2 and take care of things. They would do that.

3 Q How would a mandate work, is based on
4 seniority?

5 A Yes.

6 MR. POLLACK: Objection to form.

7 A So there is a seniority list, and they
8 would go through that and they were in four-hour
9 blocks.

10 Q Did you ever have a problem working the
11 mandated overtime?

12 MR. POLLACK: Objection.

13 Kristy, I may object during the course
14 of today's deposition. It is for purposes
15 for preserving the record. If I object,
16 if I don't say anything further you should
17 still answer question. The only time not
18 to answer is if you hear me object and I
19 direct you not to answer the question,
20 okay?

21 THE WITNESS: Okay.

22 MR. POLLACK: So even though you hear
23 my objection, you can still answer the
24 question.

25 A Okay. I didn't have any problems with

1 Kristy Pflug

2 mandated overtime.

3 Q And I am talking between the time you
4 started there until the time that you, I guess,
5 became pregnant with your daughter.

6 A Right.

7 Q So that would be 2011.

8 A Yes.

9 Q When was she born?

10 A She was -- well, I went into labor on
11 April -- the midnight of April 10th, and it was 95
12 hours and then I finally had her on April 13th of
13 2011.

14 Q 2011, okay. But you were pregnant also in
15 2010, correct?

16 A Right. I worked right up until I
17 literally went into labor.

18 Q Okay. So you had no problem doing the
19 mandates prior to that time, correct?

20 A No.

21 Q How many mandates would you say you did
22 between 2002 and 2011?

23 A In the beginning, it wasn't a lot. We
24 were mandated a few times a year, and then it
25 started increasing before I left by quite a bit, and

1 Kristy Pflug

2 it was -- we were being mandated for staffing
3 issues, not storms anymore. It changed.

4 Q Did you work a particular command
5 consistent or did you change commands?

6 A Okay. So how it works -- I will explain
7 how it works.

8 Q Thank you.

9 A They like to put us in a precinct. There
10 is seven precincts in command. So command doesn't
11 have a regular dispatcher, but one through seven you
12 have two regular dispatchers. So, you know, you
13 have a day on your radio and then you have like a
14 relief day is how it works, like they alternated it,
15 but they like to keep us in our regular precinct to
16 get familiar with the area, to get familiar with the
17 officers. That is how that worked. And command was
18 just like a relief day, things that we would do.

19 Q Okay. So which precinct were you assigned
20 to when you first started working?

21 A While I was in training, I was going to
22 all the different precincts in training, and then I
23 was in the 5th for a little bit, and then I went to
24 the 7th until I took my leave.

25 Q How many PSDls worked in the 7th Precinct

1 Kristy Pflug

2 just prior to your leaving?

3 A Like in total? Like all of the squads?

4 Q On a shift.

5 A There is always two. There is supposed to
6 be two dispatchers per radio, per shift.

7 Q Were you in a larger room with other
8 dispatchers?

9 A Right.

10 How it is set up is, it is a giant room.
11 There is no windows to like the outside, there is
12 just windows to the hallway, and then one side is
13 all of the emergency complaint operators and like
14 groups or pods. And then when they redid our room,
15 we were in twos, so like the 1st and 2nd Precinct
16 sat next to each other, the 3rd and 4th sat next to
17 each other, the 5th and 6th sat next to each other
18 and then the 7th and command sat next to each other.

19 So it was like two dispatchers. And we
20 were able to talk to each other and lean over so
21 everyone could communicate.

22 Q So in total, how many PSDls were working
23 in that room?

24 MR. POLLACK: Objection.

25 A I would say there were 18. And then there

1 Kristy Pflug

2 usually were, I think, four reliefs. So because we
3 were plugged into the console, we can't just like go
4 take a break, we have to have someone physically
5 come over plug in and let us out.

6 Q Okay. So what would happen, what did
7 happen if somebody let's say called in sick one day?

8 A Then they would try to see who was signed
9 up because you could sign up for overtime, and if
10 there was no one signed up for overtime, then they
11 would mandate someone to come in.

12 Q And that was based on seniority?

13 A Yes.

14 Q So they would have to be fully staffed at
15 all times?

16 A They should be. I feel like we may have
17 run like a dispatcher short here and there. But we
18 couldn't run without enough dispatchers to cover us
19 to have breaks because we literally could not leave
20 our console until someone physically relieved us.

21 Q And who supervised you, not individual
22 names at this point in time, but what was the chain
23 in command?

24 A Okay. So for most of my career it was
25 Public Safety Dispatcher IIs were our immediate

1 Kristy Pflug

2 supervisors, and then we had desk officers which
3 were sergeants, there were usually two to three
4 sergeants that worked in a room, and they were our
5 higher supervisors. And then we had a backroom that
6 had a lieutenant and a captain.

7 Q Were there PSDIIIs?

8 A No. Not until -- that happened later. I
9 would say the last few there -- the last few years,
10 that is when they changed over, and the sergeants
11 left, and that became the Public Safety Dispatcher
12 III position.

13 Q Was that prior to the time that you took
14 your leave in 2011?

15 A Yeah. I want to say that that was in
16 effect when I left.

17 Q Just prior to the time that you left in
18 April of 2011, who were the PSDIIs that you reported
19 to?

20 A I was on midnights at that time, and Glenn
21 Wrigley was my PSDII. Do you want me to spell his
22 name?

23 Q Yes.

24 A W-R-I-G-L-E-Y. And Glenn is with two Ns.

25 Q And was he the only PSDII that --

1 Kristy Pflug

2 A There was also Linda Bell.

3 Q Those were the two PSDIIs that supervised
4 you?

5 A I think there was another one, but for
6 some reason I can't remember. It was so long ago.
7 If I remember it, I will --

8 Q I will leave a space in the transcript and
9 you can fill that in when you review it.

10 A Okay.

11 (INSERT)

12 Q And who were the PSDIIIs just prior to the
13 time that you went on leave in April of --

14 A That is harder because that was like a new
15 thing. That I am probably not going to remember,
16 because we didn't really report to them directly
17 anymore, we were pretty much dealing with the
18 PSDIIs.

19 Q And who was the lieutenant and captain at
20 that point in time? I am talking about the same
21 period of time, April of 2011.

22 A I think it was Lieutenant Rohrer,
23 R-O-H-R-E-R, and Lieutenant Fischer, I believe it's
24 F-I-S-C-H-E-R. And then I know Captain Hanley came,
25 but I don't remember when he came.

1 Kristy Pflug

2 Q Prior to the time that you went on leave
3 to have your daughter, did you have any disciplinary
4 issues?

5 A Just once in the very beginning. My
6 friend was killed before I started working at the
7 County, like five months before, and I had like a
8 lot of stress from that, and I had some digestive
9 issues. And I did take some time off from that.
10 And then they came out with a sick time abuse, a
11 sick time abuse policy, and they did accuse me of
12 that, and then I went to my doctor and he wrote a
13 whole note that it was irritable bowl syndrome and
14 that they were like excused absences, and that was
15 rescinded. And that was really the only thing,
16 maybe -- being late here and there in the ten years
17 I was there, but nothing like more specific, I
18 remember.

19 MS. GABOR: Could we pull up Exhibit
20 A, please.

21 Q Mrs. Pflug, I am going to show you what
22 has been marked as Exhibit A which is a Police
23 Department County of Suffolk Internal
24 Correspondence. It's addressed to Lieutenant Rohrer
25 and it's from you. And it's dated September 4,

1 Kristy Pflug

2 2010. And it is also Bates stamped SC-450.

3 Can you take a look at that and let me
4 know when you are done reading it.

5 A Okay.

6 Q So what is this exactly? Do you recall
7 writing it?

8 A Right. So I was newly pregnant, and there
9 was, you know, some morning sickness, not feeling
10 great with it, and there was -- because it was my
11 first pregnancy, you know, I was worried about
12 having a healthy pregnancy, working -- how I was
13 working on midnights, which is stressful to begin
14 with, so 12 hours is a long shift.

15 Q So 12 hours is not your normal shift
16 though, correct?

17 A No. Eight hours is my normal shift.

18 Q So the 12 hours would be if you were
19 mandated an additional four hours?

20 A Right. And it would depend on the time of
21 day also. Sometimes you're talking about working
22 until 4 in the morning or come in at 4 in the
23 morning, which are like ungodly hours. So it became
24 a little extreme.

25 Q So you submitted this to Lieutenant

1 Kristy Pflug

2 Rohrer, did you get a response?

3 A I do not remember.

4 MS. GABOR: Can we scroll to the
5 second page of the document, please.

6 Q This is also part of Exhibit A, Bates
7 stamped SC-451.

8 So this looks like it is another Internal
9 Correspondence to Lieutenant Rohrer from you. And
10 it's dated September 9th. Can you please read that
11 over.

12 A Okay.

13 Q And so what are you indicating in here?

14 A I might have been feeling better. I know
15 there was like a brief period where I was not
16 feeling good, and then -- I don't remember, I
17 honestly don't, it was so long ago.

18 Q So it basically says you rescinded your
19 request to not be mandated to work overtime, and
20 that you want to remain on the mandated list?

21 A Right.

22 Q And after that date, you did remain on the
23 mandated list?

24 A I am assuming if I rescinded it, they
25 would have kept me on the mandated list.

1 Kristy Pflug

2 Q Do you recall how many mandates you may
3 have worked between September 9, 2010 and the date
4 that you left in April of 2011?

5 A No, but I know that it would be on my
6 timesheet. They actually had a little spot on the
7 timesheet that would say mandated overtime.

8 Q Do you have any recollection of
9 approximately how many you may have worked?

10 A I know it was a lot more than we used to
11 work. And I remember also like during that time it
12 was a little crazy because they were redoing the
13 communication section in headquarters and we were in
14 the Quarter Master Building, so that caused a little
15 extra chaos too.

16 So I don't have the specifics, but I know
17 it was definitely more than I was in the past.

18 MS. GABOR: If we could pull up
19 Exhibit B.

20 Q Looking at Exhibit B. It is also a County
21 of Suffolk Police Department form, it says
22 Application for Leave of Absence.

23 A Yes.

24 Q It is Bates stamped SC-331.

25 Do you recognize this document?

1 Kristy Pflug

2 A Yes. This is what I had to fill out to
3 have my child.

4 Q Okay. And you were requesting a leave of
5 absence, it says for 365 days.

6 A Right. That was the longest they would
7 let us leave when we could come back.

8 Q So 4/10/11 to end of 4/9/12?

9 A Right.

10 Q Was that approved?

11 A Yes. I had a year leave of absence.

12 MS. GABOR: If we could scroll to the
13 second page.

14 Q That is SC-329. This is a Department
15 Directive Order Number 11-112. And this confirms
16 what, that you were --

17 A That that was -- well, it says June 8th
18 only because I think they had to use a certain
19 amount of my time before that went into effect.
20 But, yeah, that was the leave of absence to have my
21 child.

22 Q After your leave of absence was up, did
23 you return?

24 A Yes.

25 Q And what date did you return?

1 Kristy Pflug

2 A I don't remember if it was exactly
3 April 9th or that might have been -- I got changed
4 to the two tour. I got changed to different squads.
5 So I don't remember if it was April 9th or it was
6 close to that. However it fell on my workweek.

7 MS. GABOR: Can we pull up Exhibit C,
8 please.

9 Q Do you see Exhibit C in front of you? It
10 say a Police Department Internal Correspondence
11 again. And it is dated April 10, 2012. And it is
12 Bates stamped SC-323. And it says Subject Returns
13 to Work, and has your name Kristy Pflug.

14 Is that your recollection as to when you
15 returned to work?

16 A Yes.

17 Q That says Squad 3, and it has your
18 schedule. Can you tell me what that means, in other
19 words, 4/10 to 4/14?

20 A That would be my work week that I would be
21 working 8 a.m. to 4 p.m., and then April 15th and
22 16th would be my regular days off, RDO, regular days
23 off, and then I would have days off after an 8 to 4,
24 and then I would have my 4 p.m. to 12 a.m. for five
25 days. And then I would have my RDO, regular days

1 Kristy Pflug

2 off as three days. So that would be the 22nd to the
3 24th.

4 Q Was that the shift that you had worked
5 prior to you going out on leave?

6 A No. I worked midnights when I went out on
7 leave.

8 Q So this was a different shift?

9 A Right. That is why the doctor's note is
10 on the file in that -- I had to have like a month
11 before I brought to their attention that I had some
12 health issues after having my daughter.

13 Q This is also an Internal Correspondence
14 dated April 9th, and it says that you will change
15 from the Midnight Quad 3 to Rotating Squad 3?

16 A Right. There was like a month before I --
17 well, a couple of months after I had my daughter I
18 was diagnosed with transverse myelitis, which is
19 swelling of your spinal cord. So like three months
20 or four months after I had my daughter I started
21 getting tingliness in my feet, and then spread
22 throughout my body, and then I had to go through all
23 this testing to find out that I had swelling on my
24 spinal cord. They never really figured out why or
25 what it was from, they said it must have been a

1 Kristy Pflug

2 virus, but they said that I couldn't take steroids
3 because I was breastfeeding. So they said it would
4 usually, on average, take about a year to rectify
5 the numbness and tingliness and have the swelling go
6 down, but then you're left with scar tissue in your
7 spinal cord.

8 So I presented that doctor's note in
9 saying because he said that stress, working
10 midnights would not help me. So before I went out
11 on leave, I was having problems with the midnight
12 schedule, with sleeping and not feeling okay.

13 So that is why I requested to go to the
14 two tour, so it would be a more of a normal
15 schedule, but like more like the normal hours.

16 Q That request was granted?

17 A Not at first. As you can see. At first
18 they told me --

19 Q That is why I am confused. What was the
20 Rotating Squad 3 then?

21 A So you have three squads that they divided
22 us up into -- so you would overlap, so if I was on
23 Squad 3, I would overlap with Squad 2 and Squad 1
24 depending on our rotation.

25 So I should have explained that better

1 Kristy Pflug
2 with the dispatchers. So one dispatcher -- we have
3 two squads per day. And half of the dispatchers
4 belong to one squad and half of the dispatchers
5 belong to the second squad. So you actually have
6 two squads working per day. But there is only one
7 dispatcher in each radio of that squad. So we
8 overlap.

9 Am I explaining that right?

10 Q My question is, how did that effect your
11 hours, your shift?

12 A It didn't so --

13 Q The midnight squad was basically one
14 thing --

15 A Right. It was the same 12 to 8 shift. So
16 this was a problem for me because they didn't take
17 me off midnights, they just changed my squad where I
18 was requesting to go to a different squad on the
19 8 a.m. to 4 p.m. and the 4 p.m. to 12 a.m.

20 So they told me that they couldn't change
21 me because there was no one that wanted to go to
22 midnights to take my spot.

23 Q Were you eventually changed?

24 A I think like a couple of days before,
25 yeah, they changed me because one of the dispatchers

1 Kristy Pflug

2 from the two tour decided to go to the midnights.

3 Q Two days before what?

4 A Before I was officially supposed to come
5 back. It was done like a week or a few days before
6 my first day of work. They changed me to the two
7 tour.

8 Q So what is the two tour now?

9 A Is the 8 p.m. to 4 p.m. and the 4 p.m. to
10 12 a.m. shift. Midnights were steady midnights, 12
11 a.m. to 8:00 a.m., that was a steady shift. It
12 still had the two days off and three days off, but
13 that was steady. So then I wanted to go back to the
14 8 a.m. to 4 p.m. and 4 p.m. to 12 p.m.

15 Q So when were you placed on that shift the
16 8 a.m. to 4 p.m. and the 4 to 12 shift?

17 A I don't remember. I know it was like
18 seven days before my first day of work.

19 Q So when you got back to work, that was the
20 shift that you --

21 A Yes. I was on the two tour when -- my
22 first day back on, I was on the two tour. I don't
23 remember what squad I was on. I think I may have
24 been Squad 3 on the two tour.

25 Q So you didn't have to work midnights?

1 Kristy Pflug

2 A No, not when I came back.

3 Q That is what I was trying to get at.

4 A Sorry.

5 Q That is okay. Thank you for explaining
6 it. We appreciate it.

7 So when you got back, do you remember the
8 first time you were mandated to work overtime?

9 A I don't think -- I think it was pretty
10 soon. I want to say it was -- well, I had to be
11 retrained technically. I think -- I don't remember
12 how long it was, it might have been a week that I
13 had to go back and sit with someone on the radio
14 because I was gone for a year. So their policy was
15 then you have to be, not retrained, but like
16 refreshed. So I think that was a week. And then I
17 believe after that, I was up for mandates, and I
18 think it started relatively soon after.

19 Q You don't remember how soon after the
20 mandates started?

21 A I want to say within the first month. It
22 may have been sooner. It was awhile ago.

23 Q And the first time you were mandated, did
24 you work that shift?

25 A I believe so.

1 Kristy Pflug

2 Q How long after the first mandate were you
3 then mandated again?

4 A At that point, there were mandates every
5 week. At that point -- when I came back to work the
6 mandates were every week, people were getting
7 mandated constantly. So it was like, now, pretty
8 much everyday somebody was being mandated. It went
9 through the seniority list.

10 Q So how many people are on the seniority
11 list?

12 A Everyone.

13 Q Meaning everybody, how many people were
14 everybody?

15 MR. POLLACK: Objection.

16 A I would say -- I think there is like --
17 what did I say, there is 18 of us, so all 18 of us
18 would be on the mandated list.

19 Q How often would you have been mandated if
20 there were 18 people on the list?

21 A Well, at that point, the overtime was so
22 extreme that I think it would have been one to two
23 times a week.

24 Q Did people volunteer for the shifts?

25 A Well, a lot of people did try to help me

1 Kristy Pflug

2 out in the beginning because they knew I just had a
3 baby, and I just came back, so they would try to
4 help me, but the overtime was so extreme. So, yeah,
5 the people that volunteered for the overtime would
6 be the first ones to work the overtime. And then if
7 there weren't enough people to volunteer, then the
8 mandates would start.

9 And I think at that point there were
10 certain squads that were not fully covered, like,
11 they were not fully staffed.

12 Q Okay. When you got back, who was your
13 PSDII?

14 A I believe it was Sandy Flammer and
15 Jennifer Worthington.

16 Q So there were two of them?

17 A Yeah. There is always two PSDIIs and then
18 there were three PSDIIIs, we would call them.

19 Q Who were the PSDIIIs?

20 A Let's see. Who was on my squad? I know
21 Petrina Hubner. And the other two, I don't really
22 remember because I didn't really have many dealings
23 with them.

24 Q Who would communicate with you concerning
25 a mandate?

1 Kristy Pflug

2 A It would be through the PSDIIs.

3 Q So when you got back from your leave, it
4 would be either Sandra Flammer or Jennifer
5 Worthington?

6 A Right. Unless -- that was my squad's
7 PSDIIs, but then there would be another squad
8 working with PSDIIs, like another two PSDIIs. So
9 there would be four PSDIIs or maybe it was two
10 PSDIIs. I don't remember anymore. It was so long
11 ago. And it gets a little confusing with the
12 different squads working at the same time. But
13 there could have been other PSDIIs there that were
14 from the other squad that could also mandate me.
15 We had an assignment list everyday that we
16 have and then behind that
17 woul it would tell you -- it
18 was here you were on the
19 manc ke -- every day, every
20 shid right, this person,
21 this like up for the first
22 thre know that you might have
23 to :
24
25

Stop
✓

24 Q Okay. Did there come a time when you had
25 an issue with working a mandate?

1 Kristy Pflug

2 A Well, when I came back, I had the spinal
3 cord swelling. And then with that, I also started
4 getting headaches, really terrible headaches that
5 were coming fairly frequently that I've never had
6 before and never dealt with before. The neurologist
7 said it could have been because of the pregnancy,
8 and hormonal changes and all sorts of things, so
9 that started becoming a problem.

10 Q Okay. But my question was, when did you
11 realize that you couldn't work a mandate and you
12 communicated that to somebody?

13 A I want to say it was relatively quickly
14 because, like I said, I came with prior conditions,
15 so I wanted to say within maybe a month, a few
16 weeks.

17 Q You don't specifically remember that?

18 A I think the first note would have been --

19 Q Are you reading something?

20 A Well, I have doctors' notes that I have
21 on --

22 Q Just from your memory, not doctors' notes.

23 A Oh, then, I don't really -- like, I just
24 know it was relatively soon when I started again. I
25 would say within a month or a few weeks.

1 Kristy Pflug

2 Q Did you have any other issues with
3 lateness or anything like that when you got back or
4 within the first month or so?

5 A I think there was like one issue because I
6 was somewhat late, but I just got back, and I was
7 talking to people in the parking lot who hadn't seen
8 me in a year, so I think there was an issue with one
9 lateness. And then I had to -- I was breastfeeding
10 at that point, so I would have to run home on my
11 meal, breast pump, and then run back to work. And
12 there were some issues with getting back to work on
13 time.

14 MS. GABOR: Can we pull up Exhibit D,
15 please.

16 Q Can you see that?

17 A Yes.

18 Q So this is titled Supervisor's Record of
19 Verbal Reprimand, it's dated May 26, 2012. It's
20 issued to you by Petrina Hubner, PSDIII, and it is
21 Bates SC-474.

22 Have you read this over?

23 A Right. April 12th was when I told them --
24 well, I just got back and people were like talking
25 to me in the parking lot, and so I was like, I think

1 Kristy Pflug

2 less than like a minute late. And they decided to
3 counsel me. I wasn't even working as a dispatcher,
4 I was training that week.

5 And then I told them I had to go home to
6 breast pump, and that sometimes it might be hard to
7 get back to the minute. And at that point, my
8 daughter was pretty dependant on me for food, so I
9 had to make sure I did a certain amount. It was a
10 lot. It was a lot of pressure going home, coming
11 back.

12 Another time there was a car accident in
13 front of me, where there was a guy who literally was
14 in front of me, was hit by a truck, so I was late
15 going back to meal because I had to check on that
16 person before. So, it was -- I didn't want to do
17 it. I didn't want to go home and do it, but I had
18 to do it because there is too many variables when
19 you go home and have to come back. And I did
20 communicate that to them, but there was no other way
21 to do it.

22 Q Did you ask for an option of having a room
23 where you could do that?

24 A That was because I had a mandate. So
25 obviously I don't know who has breastfed here, but

1 Kristy Pflug

2 when you breastfeed, you have to express your milk
3 every so often and you can't wait eight hours to do
4 it.

5 So I looked up the New York State law on
6 it, and I did present that to my PSDIIs for mandates
7 because I could not leave to go home, I had to stay
8 there, so I needed somewhere to breast bump.

9 Q And you were provided with that
10 accommodation?

11 A Not at fist.

12 Q When were you provided with that
13 accommodation?

14 A Probably within a week or so after
15 bringing it to their attention. They told me they
16 were exempt from New York State laws.

17 Q But they did provide you with something,
18 correct?

19 A When I pushed it, yes.

20 Q Do you remember what month it was?

21 A No.

22 Q Was it April? Was it May?

23 A It had to be relatively soon into it
24 because, when I came back I was breastfeeding, so it
25 had to be once the mandate started with me, it had

1 Kristy Pflug

2 to be relatively soon after that because I couldn't
3 go eight hours without expressing my milk otherwise
4 I would have been in severe pain.

5 Q So my question to you is, so you said you
6 had to go home on your meal break --

7 A Right, because then I would have to go
8 home to leave bottles for my husband to feed my
9 child. When I was mandated people would have to
10 come up and grab it in the middle of the night which
11 became very difficult.

12 Q But that was accomplished, correct?

13 MR. POLLACK: Objection.

14 A Thanks to my incredible in-laws, yes.

15 Q But it was done?

16 A Yes.

17 Q So you were mandated, you had managed to
18 get everything accomplished that you needed to
19 concerning breast pumping and et cetera.

20 Were you still having issues with being
21 mandated after that was accommodated for you?

22 MR. POLLACK: Objection.

23 A I was still having -- well, it was
24 extremely difficult just to accomplish my regular
25 shift. And then when I was mandated, it was more

1 Kristy Pflug

2 difficult, but I also had the headaches on top of
3 that that would flare up here and there, that were
4 starting to effect -- it just seemed to be worse the
5 longer I worked because when we are working at the
6 County, we are staring at four screens, so you're
7 constantly looking at these four screens, and moving
8 your head up because one of them was above the
9 others and it seemed to be triggering my headaches
10 more.

11 Q Did there come a time when you said I
12 don't want to work mandates?

13 A It wasn't that I didn't want to work them,
14 I physically and mentally was getting very stressed
15 out about working them. I felt like I was already
16 pushing myself for my eight-hour shift, and then you
17 add another four hours to that, and then I felt like
18 I was going over my limit on what I could do
19 physically and mentally.

20 Then I presented notes trying to limit my
21 hours just to the eight hours. I felt like I could
22 manage the eight hours. And most of the time I
23 could manage my headaches during the eight hours.

24 Q Were there other people during that period
25 of time that were having issues working mandates?

1 Kristy Pflug

2 MR. POLLACK: Objection.

3 A There were quite a few of us.

4 Q And can you tell me who they were?

5 A I have to remember. I know John Semiri
6 (phonetic) was having issues, Joseph Motaldo
7 (phonetic) was having issue. A couple of the ECO's
8 had issues, Annmarie had Cancer. Quite a few
9 dispatchers were sick or had pretty major health
10 issues.

11 Q And do you know if they were excused from
12 mandates?

13 A I want to say at some point we got excused
14 briefly, some were excused I think maybe before me.
15 It was never very long that we were excused, and
16 then we were put right back into mandates.

17 Q The mandated effected everybody?

18 MR. POLLACK: Objection.

19 A Yes. We were all struggling.

20 Q What is an X-Day?

21 A Okay. So the County has X-Days that are
22 technically an extra day of work that our union said
23 we had more days off then the rest of the County, so
24 we had to work six extra days per year. So instead
25 of a five-day work week, then you would have a

1 Kristy Pflug

2 six-day work week, which obviously caused issues
3 when you usually have a day off. And then you only
4 had one day off.

5 Q Did everyone have to work this six X-Days
6 per year?

7 A Yes. But what they used to do was they
8 used to give us like a training day or a ridealong
9 day, and they would give us a break and not make us
10 work the full shift. Then so it was almost like
11 they tried to make it like not like a workday. Then
12 the last few years they made it a workday.

13 Q When you say last few years, when did that
14 start?

15 A That I cannot specifically say, but it
16 was -- I would say maybe the last five years, three
17 to five years they changed it from being like just a
18 partial workday to a full you're going to do
19 dispatching for the day.

20 Q That effected everybody?

21 A Yes.

22 MS. GABOR: Can we pull up Exhibit E,
23 please?

24 Q Exhibit E is a Written Reprimand to you
25 dated November 17, 2012 by Sandra Flammer PSDII.

1 Kristy Pflug

2 A Okay.

3 Q Can you take a look at that. It is Bates
4 stamped SC-417. This references an X-Day, correct?

5 A Right.

6 Q And it says, on Saturday, November 3rd you
7 were scheduled for an X-Day, but you didn't show up.

8 A Right.

9 Q And was Dennis Lawlor a PSDII at that
10 time?

11 A Right.

12 Q He said he spoke with you on the phone and
13 you told him you were unable to come in.

14 A Yes.

15 Q What did you say to him?

16 A It says I wrote a 20-42, is that in there
17 too?

18 Q It may be the next exhibit.

19 A Okay. Can I wait for that before I answer
20 it --

21 Q I will go through that. It's to your
22 recollection that you don't recall why you didn't --

23 A It was awhile ago. I don't really
24 remember.

25 Q All right. It goes on to say that you

1 Kristy Pflug

2 were reprimanded several times regarding --

3 A Right, which I told you about. That was
4 from going home breastfeeding and coming back.

5 Q So it says, on May 26, 2012 you were
6 issued a verbal reprimand for lateness. And on July
7 10, 2012 you were docked sick time that you
8 attempted to use for an X-Day.

9 A Right.

10 Q Is that correct?

11 A Yes.

12 MS. GABOR: If we could pull of
13 Exhibit F.

14 A Yup, that is Super Storm Sandy. I
15 remember this.

16 Q So I just want to say, this is Internal
17 Correspondence. It's to Lieutenant Rohrer from you,
18 dated November 15th --

19 A Yes.

20 Q -- 2012. It's Bates SC-414 and SC-415.
21 So this was your explanation --

22 A Right.

23 Q -- why you missed --

24 A Super Storm Sandy, one of the worst weeks
25 of my life, yes.

1 Kristy Pflug

2 Q So if you could just explain to me in your
3 words, why did you miss that X-Day?

4 A Okay. That was the week of Super Storm
5 Sandy. I think we all remember that pretty vividly.
6 It was crazy. I was on the radio four days a week,
7 and we were swamped, like literally probably the
8 busiest week of my life on dispatching because it
9 was like never ending. You wouldn't even be able to
10 finish all of your calls before the end of your
11 shift which was unusual. We usually were able to
12 not leave a tremendous amount of pages of calls for
13 people. So it was extremely, extremely stressful.

14 And we were weirdly the only ones with
15 electricity. So I had people in my house showering.
16 And it was just one of the craziest weeks of my
17 life. And I literally did not -- I somehow
18 overlooked that I was supposed to have the extra
19 day.

20 Q So when that person called you and told
21 you to come in, PSDII Lawlor, did he tell you to
22 come in?

23 A Right. He told me to come in, but at that
24 point, it was like, I don't remember, if it was like
25 a workday or if my husband wasn't there. I had no

1 Kristy Pflug

2 one to watch my child last minute.

3 Q So therefore you did not work that X-Day?

4 A I did not work that X-day.

5 I also just want to let you know that on
6 X-Days, we never used to be put on the schedule. So
7 like if we missed a day, it wasn't effecting anyone
8 where they changed that, and they would like put us
9 on the schedule.

10 Q When was that changed?

11 A When they started making us work the
12 X-Days instead of doing like a training day or
13 ride-a-long day.

14 MS. GABOR: Can we pull up Exhibit G.

15 Q So this is Internal Correspondence from
16 Dennis Lawlor PSDII to Lieutenant Rohrer, and it's
17 concerning the same date of November 3, 2012,
18 SC-418. Can you please read that.

19 A Okay. So this is now getting further into
20 the work. And at this point I was having my health
21 issues, and then I started having some mental health
22 issues from being so stressed out, that now I
23 started to have a problem with working extra days,
24 working mandates. I was just physically and
25 mentally having severe, severe problems.

1 Kristy Pflug

2 Q Isn't this still in reference to on
3 11/3/12 you failed to report to work on an X-Day?

4 MR. POLLACK: Objection.

5 Q Isn't this just the same incident we were
6 talking about before concerned Exhibit F?

7 MR. POLLACK: Objection.

8 A Is it the same date?

9 Q Yes.

10 A Then I don't know what that -- Super Storm
11 Sandy I remember. Is this a different X-Day or is
12 this the same X-Day?

13 Q If we go back and look at Exhibit F, it is
14 the same date, November 3, 2012 that he is referring
15 to in Exhibit G.

16 A I don't -- I am confused.

17 Q Do you want to look at Exhibit F again?

18 MR. POLLACK: What is the question?

19 MS. GABOR: The question is did she
20 agree with this explanation?

21 A If it was the Super Storm Sandy week, I
22 understood that that was a stressful week, and I
23 missed the day. I don't remember this part.

24 Q So when he writes here, PSD Pflug did not
25 call me back when questioned about her reporting to

1 Kristy Pflug

2 work for her X-Day, she replied, when you did call
3 back, you replied, I don't work X-Days.

4 A That I don't honestly remember.

5 Q Okay. And then he said he tried to get
6 her to come into work but she refused.

7 A I honestly don't remember that.

8 Q You don't remember that?

9 A I don't remember. I remember Super Storm
10 Sandy. I don't remember saying any of that stuff
11 after.

12 Q Okay. After that time, did you work
13 X-Days?

14 A I don't remember.

15 Q Did you ever refuse to work any other
16 X-Days?

17 MR. POLLACK: Objection.

18 A I don't remember.

19 Q Going to the second page.

20 A Okay.

21 Q If you can read this over. This is
22 Internal Correspondence to Lieutenant Rohrer from
23 you dated December 1, 2012, Subject Lateness For
24 Meal.

25 A Okay.

1 Kristy Pflug

2 Q Did you read this over?

3 A Yes.

4 Q So this has to do with the lateness for a
5 meal. You were home, and then it was something
6 about your phone.

7 A Yeah. My daughter cut her lip and then --
8 she got ahold of my phone, and I couldn't find where
9 my cell phone was, and I knew I was mandated, so I
10 didn't want -- I didn't feel safe leaving my phone
11 home without -- going home 4 in the morning in case
12 there was an issue. So I did call Sandy and did
13 tell her that I was going to be a few minutes late
14 to make sure that someone was covering the few
15 minutes I was going to be late.

16 Q Okay. Did you go in that day?

17 A Yes.

18 Q You were mandated it says.

19 A Yeah. I stayed until 4 a.m.

20 Q It just had to do with lateness --

21 A Yeah. I was just a few minutes, right,
22 because I couldn't find my phone.

23 Q So you did do the mandate that day?

24 A I believe so.

25 MS. GABOR: Can we pull up Exhibit I,

1 Kristy Pflug

2 please.

3 Q This is also Internal Correspondence to
4 Lieutenant Rohrer from you dated 12/23/12, and it's
5 SC-422. Can you please read that over.

6 A Okay.

7 Q This has to do with a mandate for your
8 tour on 12/23/12.

9 A Right.

10 Q So you were home and then were you to
11 report back for your mandate?

12 A I was supposed to come in at 4 a.m.

13 Q Did you report for your mandate that day?

14 A No. I reported for my scheduled tour.
15 This was after months of trying to hand in notes
16 saying that I was having difficulties health wise,
17 mentally wise, my daughter had issues and everything
18 was being ignored.

19 So then I felt like I had to start
20 refusing things because I felt like I physically or
21 mentally could not do it.

22 Q Did you speak with anybody concerning not
23 being able to come in for your mandate that day?

24 A What do you mean? A health professional?

25 Q No. Somebody at the job.

1 Kristy Pflug

2 A I believe I did.

3 Q Does it state this in the letter?

4 MR. POLLACK: Objection.

5 A No, it doesn't state it, but I remember --
6 but I feel like I was at this point telling them
7 that I was having problems with mandates and staying
8 until 4 a.m. and coming in at 4 a.m., I wasn't
9 felling well. I was having mental health issues,
10 very stressed out and feeling overwhelmed.

11 Q So you were to report at 4 a.m. for your
12 mandate which would be the time 4 to 8, 4 a.m. to 8
13 a.m. --

14 A Right, a 12-hour shift.

15 Q And you did not report --

16 A I felt like I was not going to make it
17 through 12 hours without some serious issues.

18 Q And you don't recall if you communicated
19 this with someone to tell them --

20 A I know it was not a secret at this point.

21 Q That is not my question. On this
22 particular day, did you communicate with anybody to
23 tell them you were not coming in for your 4 a.m.
24 mandated shift?

25 A I don't remember.

1 Kristy Pflug

2 MS. GABOR: Can you pull up Exhibit K,
3 please.

4 Q This is an Internal Correspondence to
5 Lieutenant Rohrer from Chris Glynn, SC-424. If you
6 can read this and I will ask you some questions.

7 So the first paragraph says that
8 Ms. Flammer had a discussion with you or
9 conversation with you on December 21, 2012 regarding
10 I guess the 4 a.m. mandate or tour?

11 A Yes.

12 Q And it states here that you told
13 Ms. Flammer that you didn't like coming in at 4 a.m.
14 since you didn't want to inconvenience your in-laws
15 by making them get up in the middle of the night to
16 watch your daughter.

17 A Right.

18 Q And you also told her that your husband
19 would be starting his vacation soon and then you
20 would be better to come in at 4 a.m.; is that
21 correct?

22 A Right. At this point, they were not
23 giving us any leniency with anything, and they were
24 not giving us any flexibility. So I was trying to
25 tell them I can do 4 a.m. at this time, but could

1 Kristy Pflug
2 not do 4 a.m. at this time because it was a
3 extremely difficult time to get someone to watch my
4 daughter and I couldn't leave her because my husband
5 left at 5 or 6 in the morning, so I can't leave her
6 with no one, so it -- there was no flexibility. I
7 provided numerous notes and there was nothing given.
8 So I started just refusing. I had no other option
9 at that point.

10 Q So you recall this conversation then?

11 A Yeah.

12 Q And it goes on to say during the
13 conversation you also said that they had better not
14 mandate you on Christmas since you were mandated on
15 Thanksgiving.

16 Is that statement accurate?

17 A I think it is somewhat accurate, but that
18 was the point where I felt like I was being picked
19 on and purposely being punished because of my
20 issues. And their refusals of the doctors' notes
21 and constantly providing doctors' notes. So right,
22 I was told that I was exempt from mandates, and then
23 on Thanksgiving night they told me that I was no
24 longer exempt and they mandated me that night. And
25 I thought that was kind of suspicious that on

1 Kristy Pflug

2 Thanksgiving they would decide to do that, and the
3 County is not even open.

4 Q Who told you you were exempt from
5 mandates?

6 A I don't remember. There was a brief point
7 where a few of us were excused from mandates, but it
8 was very brief. I don't remember. It had to be
9 around Thanksgiving where we were -- I think before
10 Thanksgiving we were given maybe a week or two of
11 being exempt, and like I said, there was a group of
12 us and then they took it away.

13 Q So who was in that group?

14 A I don't even remember, but I know there
15 was quite a few of us. I would say maybe six
16 to -- maybe around six of us or eight of us that
17 were exempt for a brief period of time.

18 Q Do you remember the names of the five
19 others people in that group?

20 A It was a long time ago. I don't know if
21 one was John Semiri, he might have been with me on
22 that list. I feel like there was a list given by
23 the County. Everything was in writing. So I felt
24 like there was some kind of documentation provided
25 saying that we were exempt, and that there was a

1 Kristy Pflug

2 group of us. Like I feel like I saw something with
3 a list of names that the County provided. But I
4 don't think I have it. I feel like I did see
5 something like that. But like I said, it was very
6 brief.

7 Q Do you recall --

8 A Where it came from?

9 Q Yes.

10 A Because I know they were changing. We
11 were supposed to send our notes to one person and
12 then they made up this new department that we were
13 supposed to send the notes to. So it was very
14 confusing for that year of what was going on because
15 they were going back and forth what they were doing.

16 And then I think shortly after that it
17 became either Fit For Duty or Not Fit For Duty, was
18 the policy.

19 Q Okay. Who told you about that policy?

20 A That was -- I don't think it was ever
21 written down. I remember we were all sitting at our
22 consoles when it came out and they told us that was
23 the new policy.

24 Q Was that before Thanksgiving of that year
25 2012?

1 Kristy Pflug

2 A After.

3 Q Was it before Christmas?

4 A It might have been. And I remember we
5 were all upset because we were Fit for an eight-hour
6 shift, but once you talk about a 12-hour shift, then
7 we are doing that one to two times a week extra, it
8 became a lot more stressful for us.

9 Q When you say "us," is that everybody that
10 was in the room?

11 A Honestly, we were all stressed out. We
12 would come into work and we would read the first
13 three names to the entire room and then everybody
14 would start freaking out, about, Oh, my, God, I'm
15 staying, I have to get this done, Oh, God, I am
16 staying. It was every single shift. It was like a
17 panic to see who was up for mandates. That was
18 across the board, but for us who had issues, health
19 issues, it was even worse.

20 Q Was there anyone else that refused to work
21 mandates, that you know of?

22 A Not that I know of.

23 Q So the other people in that group who were
24 initially excused --

25 A Yeah, I think we all -- I think they

1 Kristy Pflug

2 worked, I don't remember specifically if anyone --
3 they worked different shifts than me, and different
4 days than me, so I don't know. I don't remember.

5 Q We went through the Christmas one --

6 A And I was not trying to be super
7 disobedient. I came in for my shift, I just wasn't
8 coming in for the mandate. But I was still trying
9 to work my scheduled shift.

10 Q So then the last paragraph of this Exhibit
11 J says, the following day, Saturday, December 22nd,
12 PSDII De'Abreau, who is that? You didn't mention
13 her --

14 A Yeah, Nicole. She is another PSDII from a
15 different squad.

16 Q And she mandated you to come in at 4 a.m.
17 on Sunday, December 23rd?

18 A Right.

19 Q And then you called in. What is a 301?

20 A I think that is sick. So I called in sick
21 for the mandate, and then I worked my regular shift.

22 Like I said, at this point I didn't feel
23 like there were a lot of options and I was trying to
24 work my scheduled shift, but I just couldn't do the
25 extra four hours because it was pushing me, and I

1 Kristy Pflug

2 was starting to have a lot more stress, and then I
3 started to have a lot of more mental health issues
4 from it where I felt completely overwhelmed and like
5 nobody was helping me and no one cared.

6 Q But there were people with other health
7 issues that you know of that also had to work the
8 mandates during that period of time?

9 MR. POLLACK: Objection.

10 A Correct.

11 But we were all in different stages also
12 in life where people needed the job for like
13 survival, and I was lucky my husband made good money
14 to the point where I was weighing, is it worth it to
15 keep pushing myself to the extreme, or is it worth
16 leaving and just trying to struggle on my husband's
17 salary. Other people didn't have that, they had to
18 work. So they had no choice how horrible they were
19 feeling, they had to work.

20 Q Okay. And you know that every single
21 person had to work that was their situation?

22 A I knew a lot of them did.

23 Q Can you give me any names?

24 A Well, I talked to John Semiri a lot. I
25 know that him and his wife, they couldn't survive on

1 Kristy Pflug

2 the one salary.

3 Q Is he still there?

4 A He is retired.

5 Q When did he retire?

6 A That I don't know.

7 Q Did he work there until he retired?

8 A Yes. He might have went out early. As
9 far as I know, he retired.

10 Q During this period of time, did you have a
11 union rep?

12 A Yes. Well, we had a union president which
13 was Suzanne McBride.

14 Q Did you speak with Suzanne McBride
15 about --

16 A Frequently. All of the time. She knows
17 everything.

18 Q And were any grievances filed on your
19 behalf?

20 A I believe so.

21 Q Do you have copies of those?

22 A I don't. I don't remember. I mean
23 Suzanne knew everything. And the union was a big
24 problem. The union covered mostly County employees
25 and not police department employees. So because our

1 Kristy Pflug

2 bosses were police, they never wanted to push things
3 for us. So I honestly feel like the union was a
4 complete failure for my entire time there, and all
5 my problems. I felt like they didn't help me at
6 all.

7 Q Are you saying Suzanne McBride didn't help
8 you at all?

9 A She tried, but she couldn't get the union
10 to do a lot for us, and that was a constant problem.

11 Q What did she try to do that she could not
12 do?

13 A I know she tried to -- I think she tried
14 to get mandates addressed in a better and more
15 flexible way for us to work with them. She also
16 tried to fight the X-Days saying that they were
17 unfair and possibly illegal. And I think they did
18 win a lawsuit about the X-Days. I remember getting
19 something about that.

20 Q When was that?

21 A I want to say a few years. There was a
22 list, we got money back for X-Days for people that
23 worked the X-Days. Yeah, they were somehow brought
24 to court, and I believe they were ruled that they
25 couldn't do that.

1 Kristy Pflug

2 Q This was after you had already resigned,
3 correct?

4 A Yes.

5 MS. GABOR: Can we please pull up
6 Exhibit K.

7 Q This is Internal Correspondence from Chris
8 Glynn PSDIII, dated 12/25/12, Bates SC-4242. Can
9 you please read that.

10 A Right. This is -- like I said, at this
11 point things were snowballing.

12 Q Let me ask you a few pointed questions
13 about it.

14 So it says on approximately 2340 hours on
15 December 24, 2012 you called Chris Glynn and you
16 told him you could not do the 4 to 8 overtime that
17 you were mandated for.

18 A Right.

19 Q And he questioned you as to how you were
20 sick for the overtime, but you were able to work
21 your regular tour.

22 A Right.

23 Q And what was your explanation?

24 A I said I provided numerous doctors' notes,
25 that most of the time I could handle the eight

1 Kristy Pflug

2 hours, but I couldn't handle the 12. But they
3 refused the doctors' notes. So at this point, I
4 didn't know what else more to say, and it became a
5 constant problem because I already explained I
6 couldn't do it.

7 Q Okay.

8 A This went on for months.

9 Q The last paragraph it says it was the
10 undesigned intention to issue a Written Reprimand to
11 you, but in light of the existing disciplinary
12 action against you, the undersigned was advised not
13 to proceed further.

14 Was there any existing disciplinary action
15 against you as of December 25, 2012?

16 MR. POLLACK: Objection.

17 A Yeah. I believe they were at this point,
18 gathering things to -- charges, they were going to
19 bring me up on charges.

20 Q Did you discuss this with the union?

21 A Yeah. Well, they did bring me up on
22 charges.

23 Q When was that?

24 A I don't remember the exact date, but I
25 was -- it was supposed to be my last day of work, I

1 Kristy Pflug
2 was quitting, and I verbally told them I was
3 quitting, I gave them a week notice. They had a
4 whole party planned for me, and they brought me into
5 Internal Affairs, and they sat me down, they
6 wouldn't let me leave the room. They got me some
7 random union rep who did not know me, and they
8 brought me up on 32 charges.

9 Q Okay. We will get to that a little later.
10 But now I am talking about what was pending or the
11 existing disciplinary action which was pending
12 against you as of December 25, 2012.

13 A Well, that is what I would assume they
14 were talking about, but I didn't know about that
15 then. I didn't know about that until the day of.
16 That is what I was reading it as, as of that day
17 they were planning to do that from back then and
18 that is why.

19 Q The union was aware of this at that time?

20 A No, no one was aware.

21 Well, we knew something was coming because
22 you could only refuse so much until you would get in
23 trouble. So we all knew something was coming and
24 the union was not helping.

25 Q When you say "we knew something was going

1 Kristy Pflug

2 to happen," who is the we?

3 A Suzanne who I was discussing this with,
4 and all of the other dispatchers knew that
5 eventually something was going to come down on me.

6 There were little things that were
7 happening here and there that were showing, you
8 know, trying to make me an example for me being
9 disobedient.

10 Q Such as what?

11 A We had our regular scheduled precinct, and
12 I was moved around every day into different
13 precincts that weren't my regular precinct and that
14 was not happening to anybody else. And I confronted
15 them if I was being punished and they said, no. But
16 I was the only one being moved around to different
17 precincts, pretty much every day.

18 Q Why would you consider that a punishment?

19 A Because that is not what they did.

20 You had your regular radio every other
21 day, and then you had a release day. That is how it
22 always was. I was in the 2nd Precinct at this
23 point, so I had the 2nd Precinct two days or three
24 days, and then I would have release days or command,
25 that is how it always was. And then all of a sudden

1 Kristy Pflug

2 I started getting moved all around to different
3 precincts, and it wasn't happening to anybody else.

4 Q Did that effect your work product at all?

5 MR. POLLACK: Objection.

6 A It was very stressful going into certain
7 precincts where I was not familiar with the area or
8 the police officers.

9 Q Was that considered a demotion?

10 MR. POLLACK: Objection.

11 A Well, I was the only one it was happening
12 to, so I think it was supposed to be like a
13 punishment that everyone else saw. They all saw me
14 going into different precincts every day, it was
15 well known among the floor.

16 Q Did Suzanne McBride have knowledge of
17 this?

18 MR. POLLACK: Objection.

19 A I believe so.

20 Q Did she file a grievance on your behalf?

21 MR. POLLACK: Objection.

22 A I don't remember.

23 Q Do you remember ever signing a grievance
24 for the union to submit on your behalf?

25 A I don't remember.

1 Kristy Pflug

2 Because everything is kind of intermixed
3 from that year. I don't remember if the union ever
4 really got involved. At that point, the union
5 wasn't getting involved about a lot. So there was
6 really no repercussions for us because the union
7 didn't want to get involved.

8 Q Is that what you were told?

9 A I don't remember if I was told
10 specifically, but it was well known among everyone.
11 You could ask any dispatcher, probably even to this
12 day how the union was and how terrible they were
13 with us.

14 Q Did you discuss this with Suzanne McBride?

15 MR. POLLACK: Objection.

16 A Yes.

17 Q How did she respond to that?

18 A She said just deal with it.

19 MS. GABOR: Can we pull up Exhibit L,
20 please.

21 Q This is Internal Correspondence to
22 Lieutenant Rohrer from you dated January 8, 2013,
23 subject Mandated, Bates SC-462.

24 A Right.

25 Q On January 8th, you were advised that you

1 Kristy Pflug

2 were mandated to stay at 1600 hours, so that would
3 be 8:00, you have a doctor's appointment --

4 A 4:00.

5 Q I'm sorry.

6 -- so you had a doctor's appointment, you
7 cannot reschedule --

8 A Right. I had a doctor's appointment at
9 5:45 p.m. So I had a doctor's appointment at 5:45.
10 It was one of the specialists, I believe, and I knew
11 it was not going to be something that I could
12 reschedule. At that point I needed to go to the
13 doctors because like I said, I was having different
14 issues and I was trying to make my doctor's
15 appointment to take care of my health. There is no
16 flexibility, like, can I skip my mandate today and
17 do it tomorrow, there was nothing like that.

18 Q Right. So therefore you did not do the
19 mandate --

20 A Right. Correct.

21 Q This is a Supervisor's Complaint report,
22 dated January 8, 2013.

23 A Right. I told you at this point, I felt
24 like I had no other option but to just straight out
25 refuse, because nothing else was given to me, and

1 Kristy Pflug

2 they would not work with me in any capacity changing
3 days of mandates to try to make it, nothing. So
4 this is when I just started refusing.

5 Q So it says another dispatcher was mandated
6 to cover your AWOL.

7 A Right.

8 Q And that this was not your first
9 refusal --

10 A Right --

11 Q -- of a direct order by a Communications
12 Supervisor for mandate?

13 A Correct.

14 Q Did you know what the ramifications were
15 at that time for refusing a direct order by a
16 Communications Supervisor?

17 A I wasn't exactly sure. I knew something
18 was going to happen, I just didn't know what.

19 Q Did you ask Suzanne McBride what the
20 ramifications would be?

21 A Probably, but I don't remember
22 specifically anymore the exact conversations that we
23 had. I just remember I did fill her in on
24 everything that was going on with me, and that I
25 felt like I had no other option at this point, but I

1 Kristy Pflug

2 should just outright refuse, and I knew I was
3 probably on borrowed time.

4 Q When you say "on borrowed time" what do
5 you mean?

6 A I knew something was going to happen, and
7 that is why I eventually quit. Well, I tried to
8 quit. I should correct that, tried to quit.

9 Q When you say you "tried to quit," you did
10 resign, correct?

11 A The second time. I resigned the first
12 time, and that is when I was charged. That was my
13 last day of work.

14 Q When was the first time you resigned?

15 A Whatever the date was of the 32 charges
16 was my day of my first resignation.

17 MS. GABOR: Does anyone want to take a
18 short break?

19 MR. POLLACK: It works for me.

20 MS. GABOR: Why don't we take a
21 ten-minute break.

22 THE WITNESS: Okay.

23 (Whereupon, a break was taken from
24 11:59 a.m. to 12:19 p.m.)

25 MS. GABOR: Can we pull up Exhibit M,

1 Kristy Pflug

2 please.

3 Q This is Exhibit M, Internal Correspondence
4 to Lieutenant Rohrer from Kristy Pflug, dated
5 4/16/13, subject requested 42, Bates number SC-464
6 and 465. It is two pages.

7 Do you recall this document?

8 A Yes.

9 Q It basically says on April 16th you were
10 asked to write this statement regarding your belief
11 that you have been subjected to a hostile work
12 environment?

13 A Right.

14 Q What is your definition of a hostile work
15 environment?

16 A Where you feel like you're constantly
17 being punished without being punished. Like I just
18 felt like I was constantly -- coworkers were
19 becoming hostile to me and talking about me and
20 other supervisors -- like Dave Ramirez had a
21 45-minute conversation about how I thought I was
22 special and how I was inconveniencing everyone
23 because of my breastfeeding breaks that I had to do
24 mandates.

25 Q Who is Dave Ramirez?

1 Kristy Pflug

2 A He is a supervisor. He is a PSDIII. He
3 shouldn't even be a supervisor, but, yeah, there
4 were a few instances.

5 Q So who else? What coworkers were becoming
6 hostile?

7 A I know Vinny Canosa (phonetic) at the time
8 was making statements. I believe a few dispatchers
9 were getting upset with me.

10 Q I am sorry, was he a PSDI?

11 A Yes.

12 Q Who else?

13 A I don't remember specifics, but I remember
14 hearing through the grapevine because we are all in
15 one room, muttering when I would go get my break to
16 do my breast pumping, and when I came back, there
17 would be more muttering.

18 Like I said, Dave Ramirez told me for 45
19 minutes, he was nonstop about it to the point where
20 I was crying.

21 Q Where did this happen, and when?

22 A I was dispatching. I was actually
23 dispatching the radio and he decided to lean over
24 the console and have this whole conversation with
25 me.

1 Kristy Pflug

2 Q For 45 minutes he leaned over the console?

3 A Oh, yes. He was known -- you can ask any
4 dispatcher about Dave Ramirez, he was well-known.

5 Q When was this?

6 A I don't remember. I think it was on a
7 mandate or overtime. But I don't remember the
8 specific date or time, I just remember being
9 subjected to that.

10 Q Who else was becoming hostile?

11 A Like I said, they were just muttering.
12 Like I said, they were changing my radio, which I
13 felt like they were antagonizing me a little bit,
14 and then I tried to talk to the lieutenant and the
15 captain where they were just kind of blowing me
16 off --

17 Q So you tried to talk to the lieutenant and
18 the captain?

19 A Right. I tried to explain it to Captain
20 Hanley. I had a conversation with him. I am like
21 the job I left is not the job I came back to. He
22 said well, no one told you that you had to come
23 back, I said that is not even what I'm talking
24 about. I said, you know, we started this job, there
25 were a few mandates a year. I believe in the year

1 Kristy Pflug

2 2012 there were 600 mandates in our department which
3 was extreme, and they didn't seem to care that we
4 were struggling at all.

5 Q And everyone was mandated, correct?

6 A Everyone was struggling, yes.

7 MR. POLLACK: Objection.

8 Q Who else did you talk to? Did you talk to
9 Lieutenant Rohrer?

10 A I think I talked to Lieutenant Rohrer
11 about certain things. And then I talked to
12 Lieutenant Fischer about things, but there were
13 other things that made me uncomfortable discussing
14 things with them, that I don't really want to get
15 into, but it was difficult, especially talking to
16 men about, you know, breastfeeding and mental
17 health.

18 And we were treated differently as
19 civilians with the police, and that is a fact. We
20 were unarmed. We were not police officers. And we
21 did not get the respect that a police officer would
22 get, and especially being a female, there was also
23 that feeling.

24 Q There were female PSDIIs, right?

25 A Uh-huh.

1 Kristy Pflug

2 Q Were there female PSDIIIs, as well?

3 A Yup. Sandy Flammer told me I should wean
4 my child, which I thought was completely
5 inappropriate. And she was a fellow female.

6 Females didn't stick together. Everyone cowtailed
7 to the lieutenants and captains, no one would say
8 anything or help anybody else.

9 Q So you felt this issue was unique to you,
10 correct?

11 A I am trying to find the right words. They
12 singling me out. I did feel like I was singled out
13 compared to others.

14 Q So this goes on to say you returned to
15 work April 20th and you requested time with a union
16 rep to write the additional 42?

17 A Correct.

18 MS. GABOR: Let's go on to Exhibit N.

19 Q So this is also an Internal Correspondence
20 to Lieutenant Rohrer from you dated April 22, 2013.
21 Subject requested 42. It is four pages SC466, 467,
22 478, 469.

23 Take your time to read through it, okay?

24 A Okay. So like it is hard --

25 Q There is no question pending.

1 Kristy Pflug

2 MR. POLLACK: There is no question.

3 Q Are you finished?

4 A I am done reading it.

5 Q It says on Tuesday, April 16th you
6 requested to speak with Lieutenant Rohrer through
7 your PSDII Jen Worthington.

8 A This 42 that I was trying to get the day
9 off and find out -- yeah, well, certain supervisors
10 weren't as good as others, would drag their feet
11 about stuff, so I guess that is what this is about.
12 I don't remember specifics of it.

13 Q What did you say to Jen Worthington?

14 A I don't remember. It was so long ago. I
15 don't exactly remember this exact situation.

16 Q It says with reference to an incident, I
17 went through earlier in the day. If you look at the
18 first paragraph.

19 A I honestly don't remember what the
20 incident was. I don't even know if Jen Worthington
21 would remember at the point. It's been so long.
22 But I do not remember that specific incident.

23 Q You don't remember if your daughter was
24 sick? It goes on to explain it. This doesn't
25 refresh your recollection as to what happened?

1 Kristy Pflug

2 MR. POLLACK: Objection.

3 A No, I don't. I don't remember exactly
4 what happened before that. This does not ring a
5 bell.

6 Q Going down further on that page, you
7 called a PSDII phone line and got PSDIII Tina
8 Totten. Do you remember speaking with her?

9 A I remember who she was and what she could
10 be like, yes.

11 Q But you don't remember the specifics
12 speaking with her?

13 A Unfortunately, no. For some reason it is
14 not triggering anything.

15 Q Did PSDII Jenny Devine call you back?

16 A I can't remember this incident.

17 Q Okay. If you go to the second page at the
18 end of the first paragraph. You requested a meeting
19 with Lieutenant Rohrer because you felt it was
20 unacceptable and frustrating.

21 So whatever this is referring to, you
22 don't recall what was unacceptable and frustrating?

23 MR. POLLACK: Objection.

24 A Which is weird because usually I have an
25 elephant memory, and I cannot remember the specifics

1 Kristy Pflug

2 of that one.

3 Q Okay. And then it goes on to say, while
4 in the same meeting, I guess you met with Lieutenant
5 Rohrer, wanted to know if she felt this was related
6 to a previous discussion of what you felt was a
7 hostile working environment due to the breaks I take
8 under New York State Laws as a breastfeeding mother.

9 Does this bring back any recollection of a
10 conversation that you had with Lieutenant Rohrer?

11 A I vaguely remember what was going on at
12 that time, but I can't remember the specifics to
13 make that clearer unfortunately. I can't. I don't
14 know. I don't remember.

15 MR. POLLACK: Kristy, that is okay.

16 Q That is fine.

17 Then if you go to the third page. It
18 says, Lieutenant Rohrer also wanted you to write a
19 42 about what you feel is a hostile working
20 environment referenced when you take your breaks.

21 Do you recall that?

22 A Right. At this point, I was -- the union
23 was not really giving me much, and I felt like I was
24 going to have to escalate it to get my own private
25 lawyer to find out if there was anything that could

1 Kristy Pflug

2 be done with what was going on.

3 So I was dragging my feet a little bit
4 about -- because I knew it is not easy to prove a
5 hostile working environment, and it is more involved
6 than what you're seeing. Because there were things
7 that happened before I went out on maternity leave
8 that involved certain people, and it raised issues
9 with certain people, and then when I came back from
10 maternity leave it kind of picked up and changed
11 direction a little bit. I would have to go further
12 back.

13 Q Okay. So let's go further back. So you
14 said there were issues before you took maternity
15 leave. What were those issues?

16 A Okay. So before I took maternity leave, I
17 was going for two different jobs within the County.
18 It was like almost like a promotion. It would have
19 been a day tour in Pistol Licensing or Background
20 Investigation. So they were civilianizing a couple
21 of positions in there. And I was going for that
22 hoping that I can get onto like a steady shift,
23 steady days off which would make life easier.

24 While I was going through this process, I
25 did really well on the first interviews, and then

1 Kristy Pflug

2 the second interview with Pistol Licensing, they
3 started going off about all of these things I did
4 wrong. And they said they spoke to one of my
5 supervisors who told them I was a sick time abuser,
6 that I bragged about calling in sick when I wasn't
7 sick, and I didn't know what they were talking
8 about. So before I went out on maternity leave --
9 now I was shocked. I mean I went home crying
10 because I felt like somebody badmouthed me for stuff
11 that wasn't even me, I knew it was a different
12 dispatcher they were talking about.

13 And so the lieutenant forced me to take my
14 name off the list to be considered.

15 Q All right. Let me back up. You just gave
16 me a lot of information.

17 So you had interviewed for a different
18 position --

19 A Right.

20 Q -- with Pistol Licensing?

21 A Yes. And Background Investigation. I had
22 two different interviews. It was a salary grade
23 higher, and it was steady hours. And I made it past
24 the interview of Pistol Licensing and I came in for
25 the second interview. On the second interview --

1 Kristy Pflug

2 Q Do you recall who you interviewed with?

3 A It was a female lieutenant in Pistol
4 Licensing, I think her first name was Kim. I think
5 she was from the 4th Precinct. I don't remember her
6 last name. I think her first name was Kim and there
7 was a sergeant in the room with us.

8 Q Okay.

9 A And it went really, really bad. I don't
10 even think --

11 Q Ms. Pflug, do you remember when that was,
12 what month, what year?

13 A That was -- I was pregnant. I knew I was
14 pregnant. And I think it was a few, maybe two or
15 three months before I went out on maternity leave.

16 Q Okay. So was it in 2010 or was it in
17 2011?

18 A I think I went out in April. It might be
19 somewhere on the border of that.

20 Q Okay. So late --

21 A Late 2010 or I think early 2011. It was
22 somewhere in that time period.

23 Q So you said the interview did not go well.

24 A The second interview -- the first
25 interview went really well, the second interview did

1 Kristy Pflug

2 not go well.

3 Q And what happened?

4 A She told me she called the Communication
5 Section and spoke to someone who told her that I was
6 a sick time abuser, that I bragged about -- we call
7 it banging in when you call in sick, so I was
8 bragging about banging in to go somewhere.

9 She was bringing up all these things up
10 that I had no idea what she was talking about. So
11 then I went back to my immediate supervisors trying
12 to find out what supervisor said that. It turned
13 out it was Petrina Hubner who was my PSDIII when I
14 came back from maternity leave. Petrina Hubner who
15 was the one that was constantly disciplining me and
16 who was on everything, Petrina Hubner. So I felt
17 like as soon as I came back to work, it was like
18 purposely done that I was put on her squad.

19 Q Now, why would Petrina Hubner say
20 something negative about you if you believe it was
21 not true?

22 A I confronted her about it before I went
23 out.

24 MR. POLLACK: Objection.

25 Q You did?

1 Kristy Pflug

2 A Yes.

3 Q What did she say?

4 A She said she did say it. And she said --
5 I said, well, why would you say stuff that wasn't
6 even true. She was never my immediate supervisor.
7 I barely knew her. I have no idea to this day why
8 she said it, but she did admit she said it. And I
9 said it was not even true. I said the sick time
10 abuse was rescinded. I said that it shouldn't even
11 have been brought up. And I said, that wasn't me
12 that was the dispatcher, it was a girl Regan who was
13 a dispatcher.

14 So you told this job all these things that
15 were not true, and I did not get the job, and was
16 force to rescind myself from the job, and was
17 humiliated in that interview. And she admitted it.

18 Q What did she say?

19 A She said, well, she felt like she had to
20 be honest. I said you were never my immediate
21 supervisor so why did you say anything at all, you
22 had no idea. You've never actually supervised me.
23 And she just shrugged it off, and never explained
24 why she did what she did.

25 But then when I came back from maternity

1 Kristy Pflug

2 leave that was my PSDIII and she was behind a lot of
3 the things that were done to me.

4 Q Well, I saw one reference, it was one of
5 the past exhibits where she wrote something up.

6 A Right. They forced me to go to employee
7 assistance to speak to this woman Candy and she --

8 Q When was that?

9 A She drove me there.

10 Q When was that?

11 A That was somewhere in the year. They told
12 me that I was either Fit or Not Fit For Duty. And
13 then I came in to work my shift, and they told me I
14 had to go see Candy at employee assistance. And I
15 said I don't want to see her, why do I have to see?
16 They were like, they are recommending you see if you
17 are Fit or Not Fit For Duty.

18 So they made me leave the building with
19 Petrina and drive all the way to employee assistance
20 to meet with Candy to find out if I was Fit or Not
21 Fit For Duty.

22 Candy said that she doesn't do that and
23 that is not her department. So they made me sit
24 there and talk to her when it had nothing to do with
25 anything. And I didn't want to do it.

1 Kristy Pflug

2 Q Can you tell me, let's back up when that
3 was.

4 A Oh, God. I know -- I think it was -- I am
5 trying to think when it was, somewhere from three to
6 six months back at work.

7 Q Okay. So it was after you returned.

8 A Right. And it might have been after I
9 started giving pushback and started having, you
10 know, refusals that they decided to force me to go
11 see Candy.

12 Q How did that come about?

13 A I have no idea.

14 Q Well, did somebody walk up to you and say
15 something?

16 A Yeah. I went to sign in and they said we
17 need to talk to you. They pulled me to the side --

18 Q Who is the they --

19 A I think it was Petrina.

20 She pulled me to the side --

21 Q So you said you came into work on that
22 day, you don't remember the date, but it was
23 sometime after you returned to work from maternity
24 leave in April of 2012?

25 A Correct.

1 Kristy Pflug

2 Q And you went to sign in, I guess, you have
3 to sign in in the morning?

4 A Yes. We have to sign in at the beginning
5 of every shift.

6 Q And you were approached by somebody?

7 A I believe it was Petrina and it might have
8 been either Sandy or Jen or both of them. I
9 remember it being more than just Petrina.

10 Q Okay. And what did they say to you?

11 A They told me that I was going to see Candy
12 that day and not to sit down at my radio.

13 Q Did you know who Candy was?

14 A Yes, because it happened to another
15 dispatcher many, many years ago for a different
16 reason.

17 Q And who is Candy, to your knowledge?

18 A She worked for employee assistance, I
19 believe, or employee relations. I don't know
20 exactly what her job entailed, but they were
21 specifically saying to see if I was Fit or Not Fit
22 For Duty, that was their words they kept using.

23 Q Did you ask why?

24 A Yes. And I don't think I was given a very
25 specific reason, and I was definitely hesitating

1 Kristy Pflug

2 that I didn't want to go because I felt like it was
3 pointless.

4 Q Did you ask for union representation?

5 A I don't remember. And like I said, we
6 didn't have a lot of faith in the union because they
7 didn't do much for us. I might not have asked. And
8 then eventually I went and Petrina drove me to
9 employee assistance to meet with Candy.

10 Q Do you remember where you had to go, where
11 was it located?

12 A It was not -- like I remember what the
13 building looked like. I don't remember -- maybe it
14 was in Hauppauge. I had to drive from Yaphank to
15 Hauppauge. Maybe it was one of those buildings. It
16 was a County building, I thought it was called
17 employee assistance or employee relations.

18 Q Do you know what Candy's title was?

19 A Not anymore. I don't even remember her
20 last name.

21 At this point they made me sit there and
22 speak to her, I said I didn't want to do this, and
23 she said she didn't even know why I was there. I
24 said, they drove me here and I don't know why I am
25 here either. Then they drove me back and I worked

1 Kristy Pflug

2 the rest of my day.

3 Q Did you ever speak to the union about
4 that?

5 A I don't believe so.

6 Q Now, you said someone prior had some issue
7 with having to go see Candy.

8 A Yeah, Joseph Motaldo. But it was years
9 and years ago. There was some kind of issue with
10 him that they forced him to go. That is the only
11 person I heard that happened to them. And it was
12 many, many years ago. It hasn't happened as far as
13 I knew. Like I said, I was blindsided by that. And
14 after what happened previously, I did not want to be
15 in a car with Petrina.

16 Q So that was the issue with Petrina?

17 A Yeah. And she was always the one dragging
18 me out to speak to the lieutenants or whoever else
19 needed to speak with me for whatever reason. She
20 was behind a lot of it.

21 Q Well, she was a PSDII, correct?

22 A Yes.

23 Q And she was a supervisor, correct?

24 A Yes.

25 Q And to your knowledge, it was within her

1 Kristy Pflug

2 purvey to speak with you and --

3 A Right.

4 Q -- and speak about issues?

5 A Yes. But I never felt comfortable with
6 her as my supervisor because of the previous
7 incidents.

8 Q Okay.

9 A Which they all knew about because I spoke
10 to Lieutenant Fischer specifically about it. And he
11 said there was nothing -- that they would look into
12 it and they never looked into it, and I went out on
13 maternity leave, so nothing was done. And I lost
14 out on a better paying job.

15 Q Did you ever apply for another better
16 paying job after you got back from maternity leave?

17 A No.

18 MR. POLLACK: Objection.

19 Q Were there any opportunities for you to do
20 so?

21 MR. POLLACK: Objection.

22 A I don't even think I looked anymore
23 because I felt like the County was going to sabotage
24 me.

25 Q Were you angry?

1 Kristy Pflug

2 MR. POLLACK: Objection.

3 A Yes.

4 Q Did you enjoy going to work?

5 MR. POLLACK: Objection.

6 A I like the dispatching, but I felt the
7 supervision for the most part was terrible. I think
8 some of the supervisors were good and a lot of them
9 should not have been supervisors, but the job, I
10 liked the job I did.

11 Q Did you ever apply to become a supervisor?

12 A I did take the test for Public Safety
13 Dispatcher II. I was on the list. And if I
14 stayed -- from what I understood -- everyone that
15 was above and below me was hired for a supervisor
16 position.

17 Q When did you take the test?

18 A The test is good for three years, I
19 believe, and I think I took it before I was
20 pregnant, so maybe in the year 2010. I knew it was
21 pretty recent when I was still in the three-year
22 span when I left.

23 Q We were talking about issues before, so
24 the issue concerning the job and you feeling that
25 Petrina Hubbard didn't give you a positive review,

1 Kristy Pflug

2 and that is why you didn't get the promotion. Is
3 there anything else that occurred prior, that you
4 think affected the job?

5 MR. POLLACK: Objection.

6 A Well, I felt like that was never really
7 addressed, that whole complaint. And I remember I
8 did before leaving going through my employee file
9 directly to ask to see what was in there because at
10 that point, there was really nothing in there for
11 any reason for me to not get the job I was going
12 for.

13 But when I came back I know that changed,
14 but I knew that my file was clean for ten years that
15 I worked there, and I was not a problem when I
16 worked there until I came back, but I also wasn't
17 being mandated on midnights because we were usually
18 the short squad, we weren't getting mandated like
19 the two tours. So the two tours were getting more
20 mandates than we were because we were the short
21 squad. So when I changed, then I began being
22 mandated even more.

23 Q Okay. But it was your request to be
24 changed, correct?

25 A Right, but I didn't know at that point --

1 Kristy Pflug

2 I knew when I left there was issues, but it became
3 much worse when I came back because other people
4 left, and they weren't being replaced.

5 Q Did you request to be changed back to the
6 other tour that you had before?

7 A I should have done that. I don't know why
8 I didn't change tours because I was never
9 comfortable with Petrina being on -- I think I was
10 just so beaten down because I just felt like
11 anything I brought up that was a problem was just
12 swept under the rug, so at that point I just dealt
13 with the hand I was given.

14 Q Okay. So then earlier you testified or
15 you alluded to the fact that you put in your
16 resignation?

17 A Yes. I did a verbal one-week notice.

18 Q When was that?

19 A It was literally a week before the charges
20 were brought, exactly seven days from that date.

21 Q Do you recall approximately when that was?

22 A I have the paperwork if I am allowed to
23 look for it.

24 Q No, just from your recollection.

25 A No, I couldn't even tell you what month it

1 Kristy Pflug

2 was.

3 Q All right. If I told you that there was
4 Departmental charges that were issued on June 5,
5 2013, would that --

6 A Yes. Yes.

7 Q -- refresh your recollection?

8 A Yes. I was suspended for a month. So
9 yes, it was the week before, exactly seven days
10 before the day I verbally told everyone that I was
11 leaving. There was a party that day for me,
12 balloons, food and a whole big brouhaha that day.

13 Q Who did you tell verbally of your
14 resignation?

15 A I believe PSDIIs.

16 Q Who were?

17 A Jen Worthington and Sandy Flammer.

18 Q Did they tell you to put something in
19 writing?

20 A I don't think so. I think it was a
21 one-week notice and then the day of -- okay, the day
22 that the charges were brought, I was actually
23 filling out my paperwork because you do it the day
24 you resign, they give you some kind of form you have
25 to fill out. And I was literally filling that out

1 Kristy Pflug

2 when I was brought in. I never finished it.

3 Q Did you give them a reason why you were
4 resigning?

5 A I believe I told them I could not keep up
6 with the mandates, and I felt that I was reaching a
7 point of like a mental, physical breakdown. It got
8 really, really bad. And my husband told me that at
9 that point, he would rather struggle than have me
10 lose my mind because I really felt at that point I
11 was getting to a breaking point.

12 Q Then you said you were filling out
13 paperwork?

14 A Right.

15 Q And you were presented with charges?

16 A Petrina -- I just ordered breakfast. I
17 was filling out my paperwork, I remember very
18 specifically Petrina came over and was like, I need
19 you to come with me. And I look at her, and said
20 are you really doing this because I feel like they
21 were going to do something to me before and not just
22 let me leave. So she brought me into Internal
23 Affairs.

24 Q Who did you meet with at Internal Affairs.

25 A Lieutenant Fischer was there, Petrina was

1 Kristy Pflug

2 there and the Internal Affairs Investigator were
3 there.

4 Q Do you know who they were?

5 A I know -- I think she was a lieutenant,
6 Soto, at that point was the one who was there
7 because she used to be one of my supervisors on the
8 nights.

9 Q Anybody else that can recall?

10 A I think there were people there that I
11 didn't know, that I wasn't familiar with. But I
12 think there were at least maybe one or two other
13 investigators there.

14 Q Okay. And then what happened when you
15 were brought into Internal Affairs?

16 A Well, at that point, I couldn't believe
17 that they were really going to do this because I was
18 leaving. I was leaving and at that point
19 peacefully, I was going to hand in my paperwork and
20 that was going to be the end of my day. And I asked
21 why I was there, and they told me that they were
22 just looking for union representation before they
23 brought everything out so that I was represented.

24 So they pulled some woman from somewhere
25 to sit with me, and she sat down next to me and she

1 Kristy Pflug

2 goes, I have no idea what is going on and I said,
3 neither do I.

4 So then I told them I had breakfast in the
5 kitchen and if I was allowed to go up and eat
6 breakfast because they were still getting things
7 together, and they told me I wasn't allowed to leave
8 the room. And at that point, I felt like -- I asked
9 them if I was under arrest or something because they
10 had me in this little room and I was surrounded by
11 all these people and no one was telling me what was
12 going on yet.

13 And then they told me someone would get my
14 breakfast, and then I sat there and waited. They
15 got all their stuff together. And then they
16 presented 32 charges against me and suspension.

17 MS. GABOR: Can we pull up Exhibit O,
18 please.

19 Q This is the County of Suffolk Police
20 Department letterhead dated June 3, 2013. It's
21 addressed to Kristy Pflug. It's Bates SC-298.

22 It states that you're suspended without
23 pay effective June 4, 2013. Do you recall receiving
24 this?

25 A Yes.

1 Kristy Pflug

2 Q Who did you receive this from?

3 A I think I was given like a whole packet of
4 paperwork from them, and that was in there.

5 Q Is that your signature on the bottom that
6 it was acknowledged?

7 A Yes.

8 Q And it's --

9 A June 4th.

10 MS. GABOR: Can we pull up Exhibit P,
11 please.

12 Q Okay. I am showing you what is Exhibit P,
13 it is four pages.

14 A I know this well. I remember this very
15 well.

16 Q So they are charges, date issued 6/5, date
17 accepted 6/4. It is four pages.

18 A Yes.

19 Q There is no Bates on it. I believe it
20 came from your attorney. However, when I go to copy
21 the Bates number doesn't appear for some reason, but
22 you do recognize this document, correct?

23 A I remember it very clearly, yes.

24 Q And did you receive this document on that
25 day that you were called?

1 Kristy Pflug

2 A Yes.

3 Q To Internal Affairs?

4 A Yes.

5 Q Was this reviewed with you?

6 A Yes. They went over each charge.

7 Q What was your understanding of the
8 charges?

9 A There were instances that I remembered
10 that I knew about. It was refusal, not having
11 enough time, so you were docked pay. I think one of
12 them was I didn't change my name, something, or
13 something with my name change. It was random. I
14 remember going over all of the changes.

15 Q These were all charge of misconduct?

16 A I guess that is what it was labeled under.

17 Q Okay. When you received this, what did
18 you do?

19 A I was pretty shocked by it. And at that
20 point my husband, if we were under his insurance we
21 would have to pay, and at that time, I knew that I
22 would get an extra month of insurance coverage and
23 we would save money. And I was leaving anyway, and
24 I had a feeling that after all that happened, that I
25 would not be working for a little while, so I sat

1 Kristy Pflug

2 there quietly and took the suspension, and then
3 after that I would investigate what could be done
4 after.

5 That so I did -- I had to go back to my
6 desk, I had to collect my things. I had to take my
7 good luck balloons and all my party stuff and I was
8 escorted out of the building by Lieutenant Rohrer to
9 my car. The entire room saw it. Everyone's mouth
10 was dropped open because they all knew it was my
11 last day of work and I was escorted to my car, and
12 he watched as I left.

13 Q Prior to this, you had resigned, correct,
14 it was your intent to resign officially?

15 A That day was my last day.

16 Q What was your status about insurance then
17 that would have been different if you had just
18 resigned and left --

19 A As soon as you resign, I believe your
20 insurance is dropped. And you can do Cobra or
21 something. So I knew -- I didn't ask like if I
22 stayed for the suspension if everything was pro quo,
23 you know, like I would still have my insurance and
24 they said yes. So I knew I was going to get like an
25 extra month of not having to pay for my insurance.

1 Kristy Pflug

2 Q Okay. So you accepted the suspension as
3 opposed to just resigning which you had intended to
4 do before you were --

5 A Right. And at that point, I was so upset
6 and I wanted to see if there was anything that I
7 could do after, like, if the union would finally
8 step up now that there were charges brought. And I
9 did go to the union, and it was a giant
10 disappointment. Then the day I came back is the day
11 I resigned.

12 Q So the union stepped up pending the
13 charges. Did you have a hearing?

14 A They gave me a lawyer. I asked the lawyer
15 how to go about -- because as far as I knew, I had
16 to sign that to get out of that room. Like I had to
17 like accept it. And I didn't have a dispatcher like
18 union rep, so I didn't really know what to do. So I
19 figured I could always fight it after.

20 So I signed it, and then I went
21 immediately to I think Suzanne and the union. And
22 then I got a lawyer. And he told me that I could
23 fight it, but he said that everything is lined up
24 against you in the County. And he said that I could
25 get a hearing to fight it, but it is a County judge,

1 Kristy Pflug

2 and he told me that everything was lined up that
3 you're not going to win and it's pretty much a waste
4 of my time, but I said I really want to fight it
5 because like I was supposed to resign, I feel like
6 this was unfair. And he said just take whatever the
7 County offers and go on your way.

8 So I was upset by that, but I did what he
9 said because he was the only person that was
10 directing me.

11 MS. GABOR: Okay. I want to pull up
12 Exhibit Q.

13 Q It is basically the same thing as the
14 charges, but it is just in a different form. And I
15 just want you to identify if that is the same thing
16 you had received as well.

17 A Okay.

18 Q So this is a Notice of Charges and
19 Specifications and Hearing Procedure. And it is in
20 the Matter of the Disciplinary Action of the Suffolk
21 County Police Department against you. It is five
22 pages long.

23 If you could just take a look at that, I
24 would appreciate it.

25 A Okay.

1 Kristy Pflug

2 Q Is that your signature on the bottom?

3 A Yes.

4 Q Thank you.

5 So you stated that you were suspended?

6 A Correct.

7 Q For 30 days, is that what you said?

8 A Something like that, around or close to
9 that. I don't remember if it was exactly 30 days.
10 Maybe it was less than 30 days because I think I
11 came back July 4th.

12 MS. GABOR: Can we pull up Exhibit R,
13 please.

14 Q It is two pages. It is Internal
15 Correspondence. There are two separate things. So
16 the first one is SC-292 Internal Correspondence, it
17 is from the Administrative Human Resources to
18 Internal Affairs dated June 25th. And it just
19 basically says you were suspended without pay
20 effective Tuesday, June 4, 2013 and you were to be
21 reinstated Wednesday, July 3, 2013?

22 A Correct.

23 Q If you look at the second page, that is
24 SC-293, it is a communication dated June 25, 2013
25 addressed to you.

1 Kristy Pflug

2 A Correct.

3 Q And that advises that you will be
4 reinstated on Wednesday, July 3, 2013, correct?

5 A Correct. The only thing is that I think
6 Wednesday was like an RDO, so I believe I came back
7 July 4th. That was my first day back.

8 Q You came back on July 4th and --

9 A Yes.

10 Q -- and who did you report to?

11 A I reported, like I normally did, I came
12 in, I looked at where I was for the day. I sat
13 down. And I started -- I think I was in the 2nd
14 Precinct that day and I just started working.

15 Q What time did you report to work that day?

16 A I think that was 8 in the morning to 4 in
17 the afternoon shift. I made sure that I sat down.
18 I made sure that I had my paperwork to resign. I
19 filled out my paperwork. At the end of the shift,
20 they came over to mandate me that night, and I gave
21 them my resignation. And I told them that I was
22 done.

23 MS. GABOR: Let's look at Exhibit T.

24 Q So Exhibit T is Resignation of Member,
25 your name on it, it's dated July 4th. And is that

1 Kristy Pflug

2 your handwriting?

3 A Yes. I remember that.

4 MR. POLLACK: What is the Bates number
5 on it?

6 MS. GABOR: I can't see it. It is
7 typed over.

8 Q This is the resignation that you prepared.
9 It is in your handwriting?

10 A Yup. Yes.

11 Q It gives your explanation of why you were
12 resigning, correct?

13 A Yes.

14 Q Who did you give this to?

15 A I don't remember. I believe one of the
16 PSDIIs, it might have been Jen Worthington.

17 Q Okay. Did they say anything to you or
18 just accepted it and --

19 A I don't really remember. I don't really
20 remember anything big going on because I was pretty
21 quiet that day, purposely because I knew it was
22 going to be my last day, and I knew I was going to
23 leave and be done.

24 Q So you handed this in and then you just
25 left?

1 Kristy Pflug

2 A I worked my regular shift until 4:00 and
3 when my shift was over, I handed this in. Like I
4 said, they tried to mandate me, and I left, I took
5 all my stuff and cleaned out my locker and left.

6 Q What happened with the charges, those were
7 still pending when you left?

8 A Well, I thought the charges were answered
9 by suspending me.

10 Q And you thought that was the end of it,
11 the charges?

12 A Yeah, as far as I knew, that was the end
13 of it. They suspended me for that time, they didn't
14 pay me, and as far as I knew, I was advised that was
15 it.

16 Q Did you tell your union rep that you were
17 resigning that day?

18 A I think they knew. I don't remember. I
19 don't remember if I contacted Suzanne, because
20 Suzanne was the one I was going through for
21 everything. She was our union president. I don't
22 remember if I gave her a heads up or not.

23 At that point, I was hesitant to give
24 anyone a heads up because of what was going on, so I
25 felt the less people that knew, the better, because

1 Kristy Pflug

2 I also witnessed other things that happened to other
3 people, so I just wanted to do it as quiet as
4 possible and just leave.

5 MS. GABOR: Let's pull up Exhibit S
6 now.

7 Q Exhibit S is a Stipulation and Agreement,
8 In the Matter of Disciplinary Charges filed by
9 Suffolk County Police Department against Kristy
10 Pflug. It is three pages --

11 A Okay. Right. Yeah, I do remember this.

12 Q Do you remember signing this Stipulation
13 and Agreement?

14 A Yes, because I remember not wanting to
15 sign it, and feeling pressured that there was no
16 other way but to sign it.

17 Q So you didn't want to sign it, but you
18 signed it anyway. Who pressured you to sign this?

19 A Well, the lawyer said that either I do
20 this or then I have to face a hearing, which he told
21 me I would not win because the County has it set up
22 so I cannot win against the County. So then I was
23 like all right, at this point I just want all this
24 over, so I just signed it.

25 Q Did you get anything in return for signing

1 Kristy Pflug

2 this?

3 A They screwed up the amount, so I was
4 supposed to get it -- it said like it was supposed
5 to be paid on like a certain day, and they screwed
6 up the amount, I didn't get it on that day. So then
7 I asked my lawyer is that voided then, and he
8 said -- and I said, like, it is an agreement,
9 shouldn't that had been done. He said just ignore
10 it and take whatever they offer and be done with it.

11 Q So you did get --

12 A I did get a payment.

13 Q You got a payment?

14 A Yes.

15 Q And if you go to the second page of this,
16 does your signature appear on the document?

17 A Yes.

18 Q And the date is?

19 A September 3rd of 2013.

20 Q Also if you go to the third page. That is
21 called a General Release, do you recall signing
22 that?

23 A Yes.

24 Q Did you read it before you signed it?

25 A I read it, but I never really understood

1 Kristy Pflug

2 it exactly, but I signed it.

3 Q Did the lawyer explain to you what the
4 release was that you were signing?

5 A I believe so.

6 Q You had legal representation, correct?

7 A Yes. Yes. So I think he did try to go
8 over it, but I still didn't really understood, you
9 know, the whole thing.

10 Q And is this your signature appearing on
11 there?

12 A Yes.

13 Q And it is dated September 3, 2013?

14 A Yes.

15 Q So after you left your employment with the
16 County, did you seek other employment?

17 A No. I was so exhausted, and I felt so
18 terrible about myself for everything that happened,
19 I felt like a complete failure. So it took quite a
20 few months for me to be okay. And at that point,
21 like I said, my husband and I discussed it, and he
22 felt -- part of me felt like the County was going to
23 sabotage me because like I said, they already
24 badmouthed me to another potential employee with the
25 County, and I didn't trust the County for that, and

1 Kristy Pflug

2 I felt the more I distanced myself by years, the
3 more they would forget about me and leave me alone.

4 And like I said, my daughter, I wasn't in
5 a rush because my daughter was not in school then,
6 so I couldn't really work without someone watching
7 her and we didn't have the money to have someone
8 watch her so it was easier for me to stay home, and
9 we struggled.

10 MS. GABOR: Can you pull up Exhibit U,
11 please.

12 Q Looking at Exhibit U, this is the first
13 page of Exhibit U. And it is Bates SC-241. And it
14 is a letter from you dated March 11, 2014, addressed
15 to Suffolk County Police Commissioner Edward Webber.

16 A I remember it, yes.

17 Q Do you remember this letter?

18 A Yes.

19 Q And it says that you were seeking to come
20 back to work at the County in your previous
21 position; is that correct?

22 A Correct.

23 Q So what prompted you to write this letter?

24 A This was about eight months after when we
25 started really talking about finances and realizing

1 Kristy Pflug

2 that I gave up a lot, I gave up a pension, and my
3 seniority, and it wasn't going to be easy to start
4 over again. So I kind of sent this out just to see
5 what would happen. I kind of knew they weren't
6 going to take me back, and did it anyway just to do
7 it, and to just solidify out of my brain that it was
8 over, there was no going back.

9 Q Did you want to go back to work there?

10 A Yes and no. I liked the actual job, and
11 we did well with the benefits. My husband got
12 \$6,000 a year for not using his benefits, which was
13 a huge help. The tour times actually worked if I
14 work two tour, because he was a teacher so he gets
15 home by the time I would have to leave for work so
16 we wouldn't need anyone to watch her, and on the 4
17 to 12, we didn't need anyone to watch her.

18 So in certain aspects it really did work
19 for our life, and then I thought that maybe that I
20 could just go there and do my job and just leave and
21 not carry anything home with me, and just not talk
22 to anyone. So I just -- I did it because I knew I
23 had a year to do it. And I figured if maybe they
24 would take me back I can make it work this time or
25 maybe I wouldn't of if, they took me back and maybe

1 Kristy Pflug

2 I would have not done it. I don't know what I would
3 have done at that point, but I figured I should have
4 put it out there anyway.

5 Q If they took you back, were you willing to
6 work the mandates?

7 A Well, see the mandates I wasn't sure if
8 that was a short-term thing with the shortage. I
9 knew we were short employees. I also know the
10 County gets a budget, I thought maybe by the time I
11 came back they would have hired more dispatchers and
12 it wouldn't have been so bad. I didn't know where
13 the mandates were going to go.

14 Unfortunately, from what I understand, for
15 everyone that is still there, it is still going on
16 and they are still short. So I know there was
17 newspaper articles. So, yeah, nothing did change
18 actually, so I don't know if I would -- I don't know
19 if at that point in time what I would have done.

20 Q So if it would have remained the same, you
21 would still have had a problem working the mandates?

22 A I was feeling better, so I was thinking
23 maybe I would be okay because I was actually feeling
24 better and I would have been able to do it. But
25 like I said, if they actually said -- to this day, I

1 Kristy Pflug

2 don't know what direction I would have went in at
3 that point...

4 Q Okay. Let's scroll to the second page,
5 SC-240, communication from the Suffolk County Police
6 Department to Kristy Pflug, dated March 17, 2014.

7 Do you recall receiving this?

8 A Yes.

9 Q And the letter basically states that they
10 received your request for reinstatement however, due
11 to budgetary issues, they could not fill your
12 position, correct?

13 A Right. But I did find out actually that
14 people did get promoted. So I don't know if that is
15 true because I know for a fact that people were
16 promoted during that. So I was never sure if that
17 was actually true. But I just let it go at that
18 point. I didn't care anymore.

19 Q So after this you didn't attempt to get
20 other employment until --

21 A Until my daughter was school age.

22 Q And when was she school age, what year was
23 that?

24 A We didn't put her in PreK or kindergarten,
25 she went in first grade. So that would have been

1 Kristy Pflug

2 six years old. So that would have been 2017.

3 Q And when you left the County, how much was
4 your yearly salary?

5 A I think I was somewhere in the high maybe
6 \$67,000, \$68,000, like my gross. And then that
7 didn't include all of the overtime or I don't know
8 if holiday pay was included in that, but somewhere
9 around that.

10 Q And last job that you had, the most recent
11 job, how much was that paying you?

12 A It was \$18.27 an hour.

13 Q Was that a full-time position?

14 A It was just under full-time, it was
15 part-time, I think 32 hours or 30 hours.

16 Q And the other jobs that we spoke about
17 earlier on today, were those all full-time,
18 part-time or combination?

19 A They were part-time.

20 Q Did you ever seek full-time employment?

21 A It was difficult because I didn't want to
22 go back into dispatch because I knew I was going to
23 start from the bottom with the shift work, and I
24 didn't want to go back to midnights and do all of
25 that, so I didn't know really where to go with that

1 Kristy Pflug

2 because I knew I was going to start at like no money
3 and at the bottom, and I only was trained as a
4 dispatcher, that was my only like big full-time job
5 at that point. I started at the County when I was
6 23 or 22, so I knew I was at a disadvantage.

7 Q Did you ever try to get any full-time
8 employment, did you send out any resumes?

9 A I think I was doing mostly part-time. I
10 was trying to balance my husband's working schedule
11 and my daughter's schooling so we didn't need to
12 have anyone watch her or pay anyone to watch her.

13 Q Are you still in communication with any of
14 the people that you had worked with at the police
15 department?

16 A I was pretty traumatized after that, so I
17 cut off a lot of communication with people I was
18 friends with. I mean I have Facebook so I would see
19 people here and there just to see what is going on
20 with everyone. But I think Erica Batchner I got into
21 contact with, she was one of the ECOs that was on my
22 squad. I tried to get in touch with Suzanne
23 McBride, just to refresh my memory, but she didn't
24 really -- she had her own things going on with the
25 County at that point. I wanted to bounce things off

1 Kristy Pflug

2 her to remember and I didn't really get anyone to do
3 that with. So I was trying to remember on my own.

4 Q Going to your interrogatories now. You
5 don't need to have them in front of you. I am going
6 through certain parts. I just want to ask you some
7 questions.

8 A Okay.

9 Q Your interrogatories state you suffered
10 extreme distress. This is a quote, as a result of
11 your treatment during your employment with defendant
12 and termination therefrom including feelings of
13 suicide, anger, betrayal, confusion, depression,
14 sadness, fear, stress, anxiety, insomnia, fears of
15 retaliation from the police and loss of self esteem
16 amongst other things.

17 So can you explain what you mean by all of
18 that, if you want me to go one by one, we can do
19 that?

20 A Well, I worked there for ten years before
21 I went on leave and I didn't have major problems
22 working there until right before I left and then
23 when I came back. So I had 95-hour childbirth that
24 was super traumatic for me, and it was so bad that
25 we decided to not have any more children. Then I

Kristy Pflug

1
2 come back to work, and the job I left is different
3 than the -- it was so much more with the mandates
4 and working longer shifts, that it was -- I was
5 trying to work with them, and I was trying to see if
6 they could work with me, and I was trying -- I
7 wasn't purposely being disobedient, I was trying to
8 get some flexibility or something to make it work at
9 that point because I felt so horrible after
10 childbirth, it took so much out of me. I had a
11 panic attack for the first time in my life after
12 childbirth, so I started having more issues and
13 anxiety, and then I went back to work and it
14 compounded the anxiety. And the feeling of why is
15 everyone not working with me, why are people giving
16 me a hard time. I am just trying to be a good mom,
17 I am just trying to take care of my family. I am
18 just trying to take care of my health. I felt like
19 I was not being malicious, and I felt like they were
20 picking on me constantly for everything. And at
21 that point, I went to see two psychologists, the
22 first psychologist, I don't remember their name, I
23 tried to call my insurance to find out their name
24 and when I saw them and they said it was so long ago
25 that they couldn't find the information --

1 Kristy Pflug

2 Q Let me stop you there. When did you see
3 two psychologists?

4 A Okay. So I talked to Dawn Ruggero
5 (phonetic), she is a dispatcher, and I told her, you
6 know, going through all these mental problems now,
7 and stress and anxiety, and she said that she took a
8 mental leave. So she gave me the name of her
9 psychologist who I went to go see. She said maybe
10 you go out on a mental leave and get like a respite,
11 you know, to try and gather everything together and
12 come back. I did meet with him, but I didn't like
13 him.

14 Q Where was he located?

15 A I can remember what he looks like and I
16 can remember his office, I can't remember where it
17 was.

18 Q The town you can't remember?

19 A I don't know if Dawn Ruggero would know.
20 I don't know if she is still with the County, but
21 she was the one who referred me.

22 Q And when did you go to see him?

23 A It was probably like -- I think things
24 started getting really bad for me, like maybe five
25 or six months being back. So I came back in April,

1 Kristy Pflug

2 so April, May, June, July, maybe somewhere between
3 August and October. I saw two. I saw him and then
4 I saw another woman in either East Setauket -- I
5 think it was East Setauket, I saw her, but at that
6 point, I felt so horrible that it was almost like I
7 felt so -- like no one was helping and that no one
8 could help me at this point, no one wants to help me
9 at this point, so then I just stopped trying to seek
10 help.

11 Q Did you see the woman in East Setauket
12 once or more than once?

13 A Yes.

14 Q And when was that, around the same time?

15 A Yeah. It was probably a couple of weeks
16 or maybe a month after I saw the first guy.

17 Q So that is the summer/fall 2012?

18 A Something like that, yeah. And
19 unfortunately it was so long ago and I tried to call
20 my old insurance and they said it was so long. And
21 I couldn't find it. And I couldn't reach Dawn to
22 find out the first guy to see if she remembered.

23 Q So you went to the psychologist either for
24 what, for feeling what, what kind of feelings were
25 you having?

1 Kristy Pflug

2 A I was crying a lot. I was feeling
3 hopeless. There were certain times after working,
4 you know, all day and trying to keep up, and feeling
5 all that pressure of trying to be a good mom and
6 like a good employee, that I just started reaching a
7 point that I never felt before of just like, I felt
8 like I was having a mental breakdown. I couldn't
9 sleep. I was having nightmares. I was having
10 thoughts of suicide of just driving my car into a
11 tree on the way home. I felt like I was failing my
12 family. I felt like I was failing my husband
13 because I would go home and complain to him all of
14 the time, and he was like well then just quit, and
15 I'm like I can't quit, like I have so many good
16 things there, I am afraid to give it up.

17 So then I would go and do it again. You
18 know, he got tired of hearing it, he was like at
19 this point either quit or just deal with it. So it
20 was causing a lot of stress in like every aspect of
21 my life. And then I knew once I left, then I felt
22 like, Oh, my, God. I seen what the County has done
23 to other people, and I was afraid that I was never
24 going to get another job because it already happened
25 to me once and it would happen again. Really

1 Kristy Pflug

2 honestly, like, I never felt so hopeless and
3 depressed and sad.

4 Even to this day, even before this, I was
5 telling Yale yesterday this opens up so many --

6 MR. POLACK: Don't say anything that
7 we discussed.

8 Q Don't tell me anything you discussed with
9 your attorney.

10 Let me ask you this, did you have a
11 regular doctor that you were seeing during this
12 period of time, like you know primary care physician
13 or anybody?

14 A Yeah. I see my doctor, Dr. Chen, now in
15 Manorville. I am actually going Friday because I
16 haven't been feeling well.

17 Q So during that period of time when you
18 were still working and you having these feelings,
19 did you talk to a medical doctor about any of these
20 things?

21 A I talked to Dr. Jurasits about it a little
22 bit. But at that point, it was -- it got to the
23 point where I just stopped trying to find help
24 because I felt like there was no help to be had.

25 So after I saw the psychologists and I

1 Kristy Pflug

2 didn't kind of didn't feel great about either one of
3 them, like they were not going to help me so I kind
4 of just gave up and --

5 Q What about your OB/GYN, did you speak to
6 your OB/GYN about any of your feelings after
7 childbirth?

8 A Well, the midwives were not a good
9 experience. There was a lot of things that happened
10 during childbirth --

11 Q It's just a yes or no --

12 A No. I didn't have an OB/GYN. And I
13 couldn't go there at that point.

14 Q Were you ever diagnosed with postpartum
15 depression?

16 A No. I meant I talked to my daughter's
17 pediatrician once when we were going over things,
18 and he told me it sounded like I had PTSD and I
19 should probably talk to someone, but I just kept --
20 at that point, I just felt like, okay, it is just
21 something I will deal with.

22 Q Did you take any medication,
23 antidepressants, anti-anxiety medication, anything
24 during this period of time?

25 A That scares me.

1 Kristy Pflug

2 Q So it is a no?

3 A No.

4 Q It is fair to say, the birth of your
5 daughter triggered a lot of these feelings?

6 MR. POLLACK: Objection.

7 A Yes.

8 Q Who is Dr. Rodriguez, I see there is a
9 Dr. Rodriguez?

10 A That is my daughter's pediatrician.

11 Q So Dr. Rodriguez, that is the conversation
12 that you had with him, and that is why his name is
13 listed here?

14 A Well, I think there was issues with my
15 daughter's health, I don't remember, but he was my
16 daughter's pediatrician. I don't know if he was
17 involved. I don't remember if he was directly
18 involved because there was Dr. Wightman who was a
19 pediatrician too before, and I don't remember.

20 Q I am just saying that because it's a name
21 on the list.

22 A Yes.

23 Q So you also listed in your interrogatories
24 people that you think have some knowledge of your
25 claims. So we have Suzanne McBride, I think you

1 Kristy Pflug

2 discussed --

3 A Right.

4 Q Jennifer Devine, what knowledge would she
5 have?

6 A She was a PSDII. I don't know if she was
7 my PSDII. I thought it was Jennifer Worthington and
8 Sandy Flammer. I don't think it was Jenny Devine.
9 I don't know if I got them confused.

10 Q That is not correct then?

11 MR. POLLACK: Objection.

12 A That I don't know. If you could clarify
13 that with County documents. I don't remember. I
14 don't remember exactly who my PSDII was.

15 Q You have Jeremy Somesso (phonetic)?

16 A Yes. I had issues with him.

17 Q So what was his title?

18 A He is a PSDIII.

19 Q Was he a PSDIII when you had issues with
20 him?

21 A Yes.

22 Q What issues did you have with him?

23 A He was never like a very nice supervisor.
24 And he was one of the ones that tried to mandate me
25 and I refused, so we had like a little bit of an

1 Kristy Pflug

2 altercation, just a verbal altercation.

3 Q When was that?

4 A It was one of the charges where -- I don't
5 remember which charge.

6 Q What about Jennifer McNamara?

7 A She might be from a different department
8 that would have all the paperwork of things that are
9 relevant.

10 Q Do you know who she is?

11 A I just remember seeing her signature on
12 paperwork. I don't remember which department she
13 works for.

14 Q And Dawn Ruggero.

15 A She gave me the psychologist information.
16 She was going through stuff too at the time.

17 Q Are you in touch with her still?

18 A No.

19 Q When was the last time you had
20 communication with her?

21 A Probably when I last worked. Maybe over
22 Facebook like a post or something. I don't
23 remember. It's been awhile.

24 Q Cara Allen?

25 A Yes. She was a dispatcher in the 4th

1 Kristy Pflug

2 Precinct. I believe she overheard things that was
3 going on. I believe I spoke to her about certain
4 things going on.

5 Q Have you been in communication with her
6 since you left?

7 A No. Like I said, we may have Facebook
8 posted, but not big communication or conversations.

9 Q We spoke about John Semiri. Is he still
10 there?

11 A He retired. I did have -- I think I text
12 him -- I had a text conversation with him months
13 ago, but I haven't talked to him since.

14 Q It says here that in one of your responses
15 you went to Suzanne McBride and Dawn Ruggero to
16 advise them of your struggles and they referred you
17 to a psychologist.

18 Did Suzanne do that as well?

19 A I think she was there, like I think she
20 was part of the conversation we were having because
21 the union wasn't really helping, so it was like what
22 other avenues I could try to get some sort or relief
23 or help.

24 Q Who is Nina Neihardt (phonetic)?

25 A She was a dispatcher I was friends with.

1 Kristy Pflug

2 She is not there anymore. She is out of state. I
3 haven't talked to her in years now. But she was a
4 friend of mine that knew a lot too.

5 Q So you did apply for unemployment benefits
6 and you received them. Do you remember how much you
7 received?

8 A I received the full amount that they give
9 you, I don't remember, I think this maximum amount
10 for ten weeks.

11 Q Ten weeks?

12 A I don't remember.

13 Q Do you have any paperwork which would show
14 how much you received?

15 A Probably.

16 Q I will ask your attorney if he could
17 provide that to us too.

18 A Okay.

19 Q So what are you looking for from the
20 County for your lawsuit, what do you want from the
21 County?

22 MR. POLLACK: Objection.

23 MS. GABOR: If she knows.

24 MR. POLLACK: If you know.

25 A I feel like they didn't work with me, and

1 Kristy Pflug

2 I feel like I gave up a lot. I gave up a pension.

3 I gave up benefits. My husband was getting \$6,000 a

4 year. I felt like I gave up a tremendous amount,

5 and I knew that what was happening to me was going

6 to be a limited thing. I knew eventually I was

7 going to get better. And I was going to be able to

8 handle it, I just couldn't do it at that point. And

9 there were no avenues to get a temporary release

10 until I felt better and could handle everything.

11 Q Did you ever apply to go out on disability
12 before you put in your resignation?

13 A I didn't think what was going on would be
14 something that I could go out on disability for.

15 Q Did you ever try to pursue that and then
16 find out if you could?

17 A No.

18

19

20

21 (Continued on following page to
22 include Jurat.)

23

24

25

1 Kristy Pflug

2 MS. GABOR: I don't have any further
3 questions for now.

4 Thank you very much.

5 MR. POLLACK: I don't have anything.

6 (Time noted: 1:51 p.m.)
7
8

9 KRISTY PFLUG
10

11 Subscribed and sworn to
12 before me this day
13 of , 20
14

15 Notary Public
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WITNESS	EXAMINATION BY	PAGE
Kristy Pflug	Ms. Gabor	5

CERTIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF SUFFOLK)

I, Abby Lynn Kalberer, a stenotype reporter and Notary Public within and for the State of New York, do hereby certify;

That the witness whose Examination Before Trial is hereinbefore set forth was duly sworn by me;

That such Examination Before Trial is a true and accurate record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of April, 2023.

Abby Lynn Kalberer
Abby Lynn Kalberer

